



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4052

Introduced 4/27/2023, by Rep. Dan Ugaste - Amy L. Grant - Patrick Windhorst, Dennis Tipsword, Jr., Tony M. McCombie, et al.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Restores certain provisions of Code of Criminal Procedure of 1963 concerning cash bail to the form in which they existed before their amendment by Public Act 101-652 by amendment or reenactment with specified modifications. Establishes additional pretrial procedures. Amends the Statute on Statutes to provide that whenever there is a reference in any Act to the term "pretrial release", "denial of pretrial release", "conditions of pretrial release", or "violations of the conditions of pretrial release", the terms shall be construed to mean "bail", "denial of bail", "conditions of bail", or "forfeiture of bail" respectively. Amends the Rights of Crime Victims and Witnesses Act. Provides that the office of the State's Attorney shall provide to the victim at pretrial stages of the proceedings notification of all pretrial hearings, all bail decisions, conditions of release related to the victim's safety, the defendant's release from custody, and instructions on seeking enforcement of release conditions. Amends the Pretrial Services Act. Provides that pretrial services agencies shall implement a system of court date reminders, including location, date, and time of the court appearance. Provides that reminders shall be provided one to 3 days prior to each scheduled court appearance. Establishes responsibilities of the Administrative Office of the Illinois Courts concerning pretrial services. Amends the Unified Code of Corrections. Provides for specified offenses for which the domestic violence surveillance program is applicable. Provides that the supervising authority shall use the best available global positioning technology to track domestic violence offenders, if available and reliable in the supervising authority's jurisdiction. Effective June 1, 2025.

LRB103 01905 RLC 61044 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Statute on Statutes is amended by changing
5 Section 1.43 as follows:

6 (5 ILCS 70/1.43)

7 Sec. 1.43. Reference to "pretrial release", "denial of
8 pretrial release", "conditions of release", or "violations of
9 the conditions of release" ~~bail, bail bond, or conditions of~~
10 ~~bail~~. Whenever there is a reference in any Act to the terms
11 "release", "denial of release", "conditions of release", or
12 "violations of the conditions of release", the terms shall be
13 construed to mean "bail", "denial of bail", "conditions of
14 bail", or "forfeiture of bail" respectively ~~"bail", "bail~~
15 ~~bond", or "conditions of bail", these terms shall be construed~~
16 ~~as "pretrial release" or "conditions of pretrial release".~~

17 (Source: P.A. 101-652, eff. 1-1-23.)

18 Section 10. The Code of Criminal Procedure of 1963 is
19 amended by changing the heading of Article 110 and by changing
20 Sections 102-6, 102-7, 103-1, 103-5, 103-7, 103-9, 104-13,
21 104-17, 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1,
22 110-1, 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1,

1 110-6.2, 110-6.4, 110-7, 110-10, 110-11, 110-12, 111-2,
2 112A-23, 114-1, 115-4.1, and 122-6 and by adding Sections
3 110-1.1 and 110-7.1 as follows:

4 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

5 Sec. 102-6. ~~Pretrial release~~ "Bail".

6 ~~"Pretrial release"~~ "Bail" ~~has the meaning ascribed to bail~~
7 ~~in Section 9 of Article I of the Illinois Constitution that is~~
8 ~~non-monetary~~ means the amount of money set by the court which
9 is required to be obligated and secured as provided by law for
10 the release of a person in custody in order that he will appear
11 before the court in which his appearance may be required and
12 that he will comply with such conditions as set forth in the
13 bail bond.

14 (Source: Laws 1963, p. 2836; P.A. 101-652.)

15 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

16 Sec. 102-7. ~~Conditions of pretrial release~~ "Bail bond".

17 ~~"Conditions of pretrial release"~~ "Bail bond" means ~~the~~
18 ~~conditions established by the court~~ an undertaking secured by
19 bail entered into by a person in custody by which he binds
20 himself to comply with such conditions as are set forth
21 therein.

22 (Source: Laws 1963, p. 2836; P.A. 101-652.)

23 (725 ILCS 5/103-1) (from Ch. 38, par. 103-1)

1 Sec. 103-1. Rights on arrest.

2 (a) After an arrest on a warrant the person making the
3 arrest shall inform the person arrested that a warrant has
4 been issued for his arrest and the nature of the offense
5 specified in the warrant.

6 (b) After an arrest without a warrant the person making
7 the arrest shall inform the person arrested of the nature of
8 the offense on which the arrest is based.

9 (b-1) Upon booking, a pretrial services staff shall assess
10 a defendant utilizing a statewide validated risk assessment
11 tool and make recommendations to the prosecution, defense and
12 judge.

13

14 (b-5) This subsection is intended to implement and be
15 interpreted consistently with the Vienna Convention on
16 Consular Relations, to which the United States is a party.
17 Article 36 of that Convention guarantees that when foreign
18 nationals are arrested or detained, they must be advised of
19 their right to have their consular officials notified, and if
20 an individual chooses to exercise that right, a law
21 enforcement official is required to notify the consulate. It
22 does not create any new substantive State right or remedy.

23 (1) In accordance with federal law and the provisions
24 of this Section, the law enforcement official in charge of
25 a custodial facility shall ensure that any individual
26 booked and detained at the facility, within 48 hours of

1 booking or detention, shall be advised that if that
2 individual is a foreign national, he or she has a right to
3 communicate with an official from the consulate of his or
4 her country. This subsection (b-5) does not create any
5 affirmative duty to investigate whether an arrestee or
6 detainee is a foreign national.

7 (2) If the foreign national requests consular
8 notification or the notification is mandatory by law, the
9 law enforcement official in charge of the custodial
10 facility shall ensure the notice is given to the
11 appropriate officer at the consulate of the foreign
12 national in accordance with the U.S. Department of State
13 Instructions for Consular Notification and Access.

14 (3) The law enforcement official in charge of the
15 custodial facility where a foreign national is located
16 shall ensure that the foreign national is allowed to
17 communicate with, correspond with, and be visited by, a
18 consular officer of his or her country.

19 (c) No person arrested for a traffic, regulatory or
20 misdemeanor offense, except in cases involving weapons or a
21 controlled substance, shall be strip searched unless there is
22 reasonable belief that the individual is concealing a weapon
23 or controlled substance.

24 (d) "Strip search" means having an arrested person remove
25 or arrange some or all of his or her clothing so as to permit a
26 visual inspection of the genitals, buttocks, anus, female

1 breasts or undergarments of such person.

2 (e) All strip searches conducted under this Section shall
3 be performed by persons of the same sex as the arrested person
4 and on premises where the search cannot be observed by persons
5 not physically conducting the search.

6 (f) Every peace officer or employee of a police department
7 conducting a strip search shall:

8 (1) Obtain the written permission of the police
9 commander or an agent thereof designated for the purposes
10 of authorizing a strip search in accordance with this
11 Section.

12 (2) Prepare a report of the strip search. The report
13 shall include the written authorization required by
14 paragraph (1) of this subsection (f), the name of the
15 person subjected to the search, the names of the persons
16 conducting the search, and the time, date and place of the
17 search. A copy of the report shall be provided to the
18 person subject to the search.

19 (g) No search of any body cavity other than the mouth shall
20 be conducted without a duly executed search warrant; any
21 warrant authorizing a body cavity search shall specify that
22 the search must be performed under sanitary conditions and
23 conducted either by or under the supervision of a physician
24 licensed to practice medicine in all of its branches in this
25 State.

26 (h) Any peace officer or employee who knowingly or

1 intentionally fails to comply with any provision of this
2 Section, except subsection (b-5) of this Section, is guilty of
3 official misconduct as provided in Section 103-8; provided
4 however, that nothing contained in this Section shall preclude
5 prosecution of a peace officer or employee under another
6 section of this Code.

7 (i) Nothing in this Section shall be construed as limiting
8 any statutory or common law rights of any person for purposes
9 of any civil action or injunctive relief.

10 (j) The provisions of subsections (c) through (h) of this
11 Section shall not apply when the person is taken into custody
12 by or remanded to the sheriff or correctional institution
13 pursuant to a court order.

14 (Source: P.A. 99-190, eff. 1-1-16.)

15 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)
16 Sec. 103-5. Speedy trial.)

17 (a) Every person in custody in this State for an alleged
18 offense shall be tried by the court having jurisdiction within
19 120 days from the date he or she was taken into custody unless
20 delay is occasioned by the defendant, by an examination for
21 fitness ordered pursuant to Section 104-13 of this Act, by a
22 fitness hearing, by an adjudication of unfitness to stand
23 trial, by a continuance allowed pursuant to Section 114-4 of
24 this Act after a court's determination of the defendant's
25 physical incapacity for trial, or by an interlocutory appeal.

1 Delay shall be considered to be agreed to by the defendant
2 unless he or she objects to the delay by making a written
3 demand for trial or an oral demand for trial on the record. The
4 provisions of this subsection (a) do not apply to a person on
5 ~~pretrial release~~ bail or recognizance for an offense but who
6 is in custody for a violation of his or her parole, aftercare
7 release, or mandatory supervised release for another offense.

8 The 120-day term must be one continuous period of
9 incarceration. In computing the 120-day term, separate periods
10 of incarceration may not be combined. If a defendant is taken
11 into custody a second (or subsequent) time for the same
12 offense, the term will begin again at day zero.

13 (b) Every person on ~~pretrial release~~ bail or recognizance
14 shall be tried by the court having jurisdiction within 160
15 days from the date defendant demands trial unless delay is
16 occasioned by the defendant, by an examination for fitness
17 ordered pursuant to Section 104-13 of this Act, by a fitness
18 hearing, by an adjudication of unfitness to stand trial, by a
19 continuance allowed pursuant to Section 114-4 of this Act
20 after a court's determination of the defendant's physical
21 incapacity for trial, or by an interlocutory appeal. The
22 defendant's failure to appear for any court date set by the
23 court operates to waive the defendant's demand for trial made
24 under this subsection.

25 For purposes of computing the 160 day period under this
26 subsection (b), every person who was in custody for an alleged

1 offense and demanded trial and is subsequently released on
2 ~~pretrial release~~ bail or recognizance and demands trial, shall
3 be given credit for time spent in custody following the making
4 of the demand while in custody. Any demand for trial made under
5 this subsection (b) shall be in writing; and in the case of a
6 defendant not in custody, the demand for trial shall include
7 the date of any prior demand made under this provision while
8 the defendant was in custody.

9 (c) If the court determines that the State has exercised
10 without success due diligence to obtain evidence material to
11 the case and that there are reasonable grounds to believe that
12 such evidence may be obtained at a later day the court may
13 continue the cause on application of the State for not more
14 than an additional 60 days. If the court determines that the
15 State has exercised without success due diligence to obtain
16 results of DNA testing that is material to the case and that
17 there are reasonable grounds to believe that such results may
18 be obtained at a later day, the court may continue the cause on
19 application of the State for not more than an additional 120
20 days.

21 (d) Every person not tried in accordance with subsections
22 (a), (b) and (c) of this Section shall be discharged from
23 custody or released from the obligations of his ~~pretrial~~
24 ~~release~~ bail or recognizance.

25 (e) If a person is simultaneously in custody upon more
26 than one charge pending against him in the same county, or

1 simultaneously demands trial upon more than one charge pending
2 against him in the same county, he shall be tried, or adjudged
3 guilty after waiver of trial, upon at least one such charge
4 before expiration relative to any of such pending charges of
5 the period prescribed by subsections (a) and (b) of this
6 Section. Such person shall be tried upon all of the remaining
7 charges thus pending within 160 days from the date on which
8 judgment relative to the first charge thus prosecuted is
9 rendered pursuant to the Unified Code of Corrections or, if
10 such trial upon such first charge is terminated without
11 judgment and there is no subsequent trial of, or adjudication
12 of guilt after waiver of trial of, such first charge within a
13 reasonable time, the person shall be tried upon all of the
14 remaining charges thus pending within 160 days from the date
15 on which such trial is terminated; if either such period of 160
16 days expires without the commencement of trial of, or
17 adjudication of guilt after waiver of trial of, any of such
18 remaining charges thus pending, such charge or charges shall
19 be dismissed and barred for want of prosecution unless delay
20 is occasioned by the defendant, by an examination for fitness
21 ordered pursuant to Section 104-13 of this Act, by a fitness
22 hearing, by an adjudication of unfitness for trial, by a
23 continuance allowed pursuant to Section 114-4 of this Act
24 after a court's determination of the defendant's physical
25 incapacity for trial, or by an interlocutory appeal; provided,
26 however, that if the court determines that the State has

1 exercised without success due diligence to obtain evidence
2 material to the case and that there are reasonable grounds to
3 believe that such evidence may be obtained at a later day the
4 court may continue the cause on application of the State for
5 not more than an additional 60 days.

6 (f) Delay occasioned by the defendant shall temporarily
7 suspend for the time of the delay the period within which a
8 person shall be tried as prescribed by subsections (a), (b),
9 or (e) of this Section and on the day of expiration of the
10 delay the said period shall continue at the point at which it
11 was suspended. Where such delay occurs within 21 days of the
12 end of the period within which a person shall be tried as
13 prescribed by subsections (a), (b), or (e) of this Section,
14 the court may continue the cause on application of the State
15 for not more than an additional 21 days beyond the period
16 prescribed by subsections (a), (b), or (e). This subsection
17 (f) shall become effective on, and apply to persons charged
18 with alleged offenses committed on or after, March 1, 1977.

19 (g) Notwithstanding any other provisions of this Section
20 to the contrary, when a defendant's liberty is substantially
21 impaired prior to trial, the defendant shall be brought to
22 trial within 120 days, unless good cause is shown.

23 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

24 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

25 Sec. 103-7. Posting notice of rights.

1 Every sheriff, chief of police or other person who is in
2 charge of any jail, police station or other building where
3 persons under arrest are held in custody pending
4 investigation, ~~pretrial-release~~ bail or other criminal
5 proceedings, shall post in every room, other than cells, of
6 such buildings where persons are held in custody, in
7 conspicuous places where it may be seen and read by persons in
8 custody and others, a poster, printed in large type,
9 containing a verbatim copy in the English language of the
10 provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,
11 110-4, and sub-parts (a) and (b) of Sections 110-7 and 113-3 of
12 this Code. Each person who is in charge of any courthouse or
13 other building in which any trial of an offense is conducted
14 shall post in each room primarily used for such trials and in
15 each room in which defendants are confined or wait, pending
16 trial, in conspicuous places where it may be seen and read by
17 persons in custody and others, a poster, printed in large
18 type, containing a verbatim copy in the English language of
19 the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and
20 of subparts (a) and (b) of Section 113-3 of this Code.

21 (Source: Laws 1965, p. 2622; P.A. 101-652.)

22 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

23 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
24 may seize or transport unwillingly any person found in this
25 State who is allegedly in violation of a bail bond posted in

1 some other state ~~or conditions of pretrial release~~. The return
2 of any such person to another state may be accomplished only as
3 provided by the laws of this State. Any bail bondsman who
4 violates this Section is fully subject to the criminal and
5 civil penalties provided by the laws of this State for his
6 actions.

7 (Source: P.A. 84-694; 101-652.)

8 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

9 Sec. 104-13. Fitness Examination.

10 (a) When the issue of fitness involves the defendant's
11 mental condition, the court shall order an examination of the
12 defendant by one or more licensed physicians, clinical
13 psychologists, or psychiatrists chosen by the court. No
14 physician, clinical psychologist or psychiatrist employed by
15 the Department of Human Services shall be ordered to perform,
16 in his official capacity, an examination under this Section.

17 (b) If the issue of fitness involves the defendant's
18 physical condition, the court shall appoint one or more
19 physicians and in addition, such other experts as it may deem
20 appropriate to examine the defendant and to report to the
21 court regarding the defendant's condition.

22 (c) An examination ordered under this Section shall be
23 given at the place designated by the person who will conduct
24 the examination, except that if the defendant is being held in
25 custody, the examination shall take place at such location as

1 the court directs. No examinations under this Section shall be
2 ordered to take place at mental health or developmental
3 disabilities facilities operated by the Department of Human
4 Services. If the defendant fails to keep appointments without
5 reasonable cause or if the person conducting the examination
6 reports to the court that diagnosis requires hospitalization
7 or extended observation, the court may order the defendant
8 admitted to an appropriate facility for an examination, other
9 than a screening examination, for not more than 7 days. The
10 court may, upon a showing of good cause, grant an additional 7
11 days to complete the examination.

12 (d) Release on ~~pretrial release~~ bail or on recognizance
13 shall not be revoked and an application therefor shall not be
14 denied on the grounds that an examination has been ordered.

15 (e) Upon request by the defense and if the defendant is
16 indigent, the court may appoint, in addition to the expert or
17 experts chosen pursuant to subsection (a) of this Section, a
18 qualified expert selected by the defendant to examine him and
19 to make a report as provided in Section 104-15. Upon the filing
20 with the court of a verified statement of services rendered,
21 the court shall enter an order on the county board to pay such
22 expert a reasonable fee stated in the order.

23 (Source: P.A. 89-507, eff. 7-1-97; 101-652.)

24 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

25 Sec. 104-17. Commitment for treatment; treatment plan.

1 (a) If the defendant is eligible to be or has been released
2 on ~~pretrial release~~ bail or on his own recognizance, the court
3 shall select the least physically restrictive form of
4 treatment therapeutically appropriate and consistent with the
5 treatment plan. The placement may be ordered either on an
6 inpatient or an outpatient basis.

7 (b) If the defendant's disability is mental, the court may
8 order him placed for treatment in the custody of the
9 Department of Human Services, or the court may order him
10 placed in the custody of any other appropriate public or
11 private mental health facility or treatment program which has
12 agreed to provide treatment to the defendant. If the court
13 orders the defendant placed in the custody of the Department
14 of Human Services, the Department shall evaluate the defendant
15 to determine to which secure facility the defendant shall be
16 transported and, within 20 days of the transmittal by the
17 clerk of the circuit court of the placement court order,
18 notify the sheriff of the designated facility. Upon receipt of
19 that notice, the sheriff shall promptly transport the
20 defendant to the designated facility. If the defendant is
21 placed in the custody of the Department of Human Services, the
22 defendant shall be placed in a secure setting. During the
23 period of time required to determine the appropriate placement
24 the defendant shall remain in jail. If during the course of
25 evaluating the defendant for placement, the Department of
26 Human Services determines that the defendant is currently fit

1 to stand trial, it shall immediately notify the court and
2 shall submit a written report within 7 days. In that
3 circumstance the placement shall be held pending a court
4 hearing on the Department's report. Otherwise, upon completion
5 of the placement process, the sheriff shall be notified and
6 shall transport the defendant to the designated facility. If,
7 within 20 days of the transmittal by the clerk of the circuit
8 court of the placement court order, the Department fails to
9 notify the sheriff of the identity of the facility to which the
10 defendant shall be transported, the sheriff shall contact a
11 designated person within the Department to inquire about when
12 a placement will become available at the designated facility
13 and bed availability at other facilities. If, within 20 days
14 of the transmittal by the clerk of the circuit court of the
15 placement court order, the Department fails to notify the
16 sheriff of the identity of the facility to which the defendant
17 shall be transported, the sheriff shall notify the Department
18 of its intent to transfer the defendant to the nearest secure
19 mental health facility operated by the Department and inquire
20 as to the status of the placement evaluation and availability
21 for admission to such facility operated by the Department by
22 contacting a designated person within the Department. The
23 Department shall respond to the sheriff within 2 business days
24 of the notice and inquiry by the sheriff seeking the transfer
25 and the Department shall provide the sheriff with the status
26 of the evaluation, information on bed and placement

1 availability, and an estimated date of admission for the
2 defendant and any changes to that estimated date of admission.
3 If the Department notifies the sheriff during the 2 business
4 day period of a facility operated by the Department with
5 placement availability, the sheriff shall promptly transport
6 the defendant to that facility. The placement may be ordered
7 either on an inpatient or an outpatient basis.

8 (c) If the defendant's disability is physical, the court
9 may order him placed under the supervision of the Department
10 of Human Services which shall place and maintain the defendant
11 in a suitable treatment facility or program, or the court may
12 order him placed in an appropriate public or private facility
13 or treatment program which has agreed to provide treatment to
14 the defendant. The placement may be ordered either on an
15 inpatient or an outpatient basis.

16 (d) The clerk of the circuit court shall within 5 days of
17 the entry of the order transmit to the Department, agency or
18 institution, if any, to which the defendant is remanded for
19 treatment, the following:

20 (1) a certified copy of the order to undergo
21 treatment. Accompanying the certified copy of the order to
22 undergo treatment shall be the complete copy of any report
23 prepared under Section 104-15 of this Code or other report
24 prepared by a forensic examiner for the court;

25 (2) the county and municipality in which the offense
26 was committed;

1 (3) the county and municipality in which the arrest
2 took place;

3 (4) a copy of the arrest report, criminal charges,
4 arrest record; and

5 (5) all additional matters which the Court directs the
6 clerk to transmit.

7 (e) Within 30 days of entry of an order to undergo
8 treatment, the person supervising the defendant's treatment
9 shall file with the court, the State, and the defense a report
10 assessing the facility's or program's capacity to provide
11 appropriate treatment for the defendant and indicating his
12 opinion as to the probability of the defendant's attaining
13 fitness within a period of time from the date of the finding of
14 unfitness. For a defendant charged with a felony, the period
15 of time shall be one year. For a defendant charged with a
16 misdemeanor, the period of time shall be no longer than the
17 sentence if convicted of the most serious offense. If the
18 report indicates that there is a substantial probability that
19 the defendant will attain fitness within the time period, the
20 treatment supervisor shall also file a treatment plan which
21 shall include:

22 (1) A diagnosis of the defendant's disability;

23 (2) A description of treatment goals with respect to
24 rendering the defendant fit, a specification of the
25 proposed treatment modalities, and an estimated timetable
26 for attainment of the goals;

1 (3) An identification of the person in charge of
2 supervising the defendant's treatment.

3 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18;
4 101-652.)

5 (725 ILCS 5/106D-1)

6 Sec. 106D-1. Defendant's appearance by closed circuit
7 television and video conference.

8 (a) Whenever the appearance in person in court, in either
9 a civil or criminal proceeding, is required of anyone held in a
10 place of custody or confinement operated by the State or any of
11 its political subdivisions, including counties and
12 municipalities, the chief judge of the circuit by rule may
13 permit the personal appearance to be made by means of two-way
14 audio-visual communication, including closed circuit
15 television and computerized video conference, in the following
16 proceedings:

17 (1) the initial appearance before a judge on a
18 criminal complaint, at which ~~the conditions of pretrial~~
19 ~~release~~ bail will be set;

20 (2) the waiver of a preliminary hearing;

21 (3) the arraignment on an information or indictment at
22 which a plea of not guilty will be entered;

23 (4) the presentation of a jury waiver;

24 (5) any status hearing;

25 (6) any hearing conducted under the Sexually Violent

1 Persons Commitment Act at which no witness testimony will
2 be taken; and

3 (7) at any hearing at which no witness testimony will
4 be taken conducted under the following:

5 (A) Section 104-20 of this Code (90-day hearings);

6 (B) Section 104-22 of this Code (trial with
7 special provisions and assistance);

8 (C) Section 104-25 of this Code (discharge
9 hearing); or

10 (D) Section 5-2-4 of the Unified Code of
11 Corrections (proceedings after acquittal by reason of
12 insanity).

13 (b) The two-way audio-visual communication facilities must
14 provide two-way audio-visual communication between the court
15 and the place of custody or confinement, and must include a
16 secure line over which the person in custody and his or her
17 counsel, if any, may communicate.

18 (c) Nothing in this Section shall be construed to prohibit
19 other court appearances through the use of two-way
20 audio-visual communication, upon waiver of any right the
21 person in custody or confinement may have to be present
22 physically.

23 (d) Nothing in this Section shall be construed to
24 establish a right of any person held in custody or confinement
25 to appear in court through two-way audio-visual communication
26 or to require that any governmental entity, or place of

1 custody or confinement, provide two-way audio-visual
2 communication.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
4 revised 10-12-21.)

5 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

6 Sec. 107-4. Arrest by peace officer from other
7 jurisdiction.

8 (a) As used in this Section:

9 (1) "State" means any State of the United States and
10 the District of Columbia.

11 (2) "Peace Officer" means any peace officer or member
12 of any duly organized State, County, or Municipal peace
13 unit, any police force of another State, the United States
14 Department of Defense, or any police force whose members,
15 by statute, are granted and authorized to exercise powers
16 similar to those conferred upon any peace officer employed
17 by a law enforcement agency of this State.

18 (3) "Fresh pursuit" means the immediate pursuit of a
19 person who is endeavoring to avoid arrest.

20 (4) "Law enforcement agency" means a municipal police
21 department or county sheriff's office of this State.

22 (a-3) Any peace officer employed by a law enforcement
23 agency of this State may conduct temporary questioning
24 pursuant to Section 107-14 of this Code and may make arrests in
25 any jurisdiction within this State: (1) if the officer is

1 engaged in the investigation of criminal activity that
2 occurred in the officer's primary jurisdiction and the
3 temporary questioning or arrest relates to, arises from, or is
4 conducted pursuant to that investigation; or (2) if the
5 officer, while on duty as a peace officer, becomes personally
6 aware of the immediate commission of a felony or misdemeanor
7 violation of the laws of this State; or (3) if the officer,
8 while on duty as a peace officer, is requested by an
9 appropriate State or local law enforcement official to render
10 aid or assistance to the requesting law enforcement agency
11 that is outside the officer's primary jurisdiction; or (4) in
12 accordance with Section 2605-580 of the Illinois State Police
13 Law of the Civil Administrative Code of Illinois. While acting
14 pursuant to this subsection, an officer has the same authority
15 as within his or her own jurisdiction.

16 (a-7) The law enforcement agency of the county or
17 municipality in which any arrest is made under this Section
18 shall be immediately notified of the arrest.

19 (b) Any peace officer of another State who enters this
20 State in fresh pursuit and continues within this State in
21 fresh pursuit of a person in order to arrest him on the ground
22 that he has committed an offense in the other State has the
23 same authority to arrest and hold the person in custody as
24 peace officers of this State have to arrest and hold a person
25 in custody on the ground that he has committed an offense in
26 this State.

1 (c) If an arrest is made in this State by a peace officer
2 of another State in accordance with the provisions of this
3 Section he shall without unnecessary delay take the person
4 arrested before the circuit court of the county in which the
5 arrest was made. Such court shall conduct a hearing for the
6 purpose of determining the lawfulness of the arrest. If the
7 court determines that the arrest was lawful it shall commit
8 the person arrested, to await for a reasonable time the
9 issuance of an extradition warrant by the Governor of this
10 State, or admit him to ~~pretrial release~~ bail for such purpose.
11 If the court determines that the arrest was unlawful it shall
12 discharge the person arrested.

13 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
14 revised 10-20-21.)

15 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

16 Sec. 107-9. Issuance of arrest warrant upon complaint.

17 (a) When a complaint is presented to a court charging that
18 an offense has been committed it shall examine upon oath or
19 affirmation the complainant or any witnesses.

20 (b) The complaint shall be in writing and shall:

21 (1) State the name of the accused if known, and if not
22 known the accused may be designated by any name or
23 description by which he can be identified with reasonable
24 certainty;

25 (2) State the offense with which the accused is

1 charged;

2 (3) State the time and place of the offense as
3 definitely as can be done by the complainant; and

4 (4) Be subscribed and sworn to by the complainant.

5 (b-5) If an arrest warrant is sought and the request is
6 made by electronic means that has a simultaneous video and
7 audio transmission between the requester and a judge, the
8 judge may issue an arrest warrant based upon a sworn complaint
9 or sworn testimony communicated in the transmission.

10 (c) A warrant shall be issued by the court for the arrest
11 of the person complained against if it appears from the
12 contents of the complaint and the examination of the
13 complainant or other witnesses, if any, that the person
14 against whom the complaint was made has committed an offense.

15 (d) The warrant of arrest shall:

16 (1) Be in writing;

17 (2) Specify the name, sex and birth date of the person
18 to be arrested or if his name, sex or birth date is
19 unknown, shall designate such person by any name or
20 description by which he can be identified with reasonable
21 certainty;

22 (3) Set forth the nature of the offense;

23 (4) State the date when issued and the municipality or
24 county where issued;

25 (5) Be signed by the judge of the court with the title
26 of his office;

1 (6) Command that the person against whom the complaint
2 was made be arrested and brought before the court issuing
3 the warrant or if he is absent or unable to act before the
4 nearest or most accessible court in the same county;

5 (7) Specify the ~~conditions of pretrial release~~ amount
6 of bail; and

7 (8) Specify any geographical limitation placed on the
8 execution of the warrant, but such limitation shall not be
9 expressed in mileage.

10 (e) The warrant shall be directed to all peace officers in
11 the State. It shall be executed by the peace officer, or by a
12 private person specially named therein, at any location within
13 the geographic limitation for execution placed on the warrant.
14 If no geographic limitation is placed on the warrant, then it
15 may be executed anywhere in the State.

16 (f) The arrest warrant may be issued electronically or
17 electromagnetically by use of electronic mail or a facsimile
18 transmission machine and any arrest warrant shall have the
19 same validity as a written warrant.

20 (Source: P.A. 101-239, eff. 1-1-20; 101-652.)

21 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

22 Sec. 109-1. Person arrested; ~~release from law enforcement~~
23 ~~eustody and court appearance; geographical constraints prevent~~
24 ~~in-person appearances.~~

25 (a) A person arrested with or without a warrant ~~for an~~

1 ~~offense for which pretrial release may be denied under~~
2 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
3 without unnecessary delay before the nearest and most
4 accessible judge in that county, except when such county is a
5 participant in a regional jail authority, in which event such
6 person may be taken to the nearest and most accessible judge,
7 irrespective of the county where such judge presides, and a
8 charge shall be filed. Whenever a person arrested either with
9 or without a warrant is required to be taken before a judge, a
10 charge may be filed against such person by way of a two-way
11 closed circuit television system, except that a hearing to
12 deny ~~pretrial release~~ bail to the defendant may not be
13 conducted by way of closed circuit television.

14 (a-4) Law enforcement shall issue a citation in lieu of
15 custodial arrest, upon proper identification, for those
16 accused of Class B and C traffic and criminal misdemeanor
17 offenses, or of petty and business offenses unless: (i) a law
18 enforcement officer reasonably believes the accused poses a
19 threat to the community or any person, (ii) a custodial arrest
20 is necessary because the criminal activity persists after the
21 issuance of a citation, (iii) the accused has an obvious
22 medical or mental health issue that poses a risk to the
23 accused's own safety or (iv) to verify the person's identity.
24 Nothing in this Section requires arrest in the case of Class A
25 misdemeanor and felony offenses, or otherwise limits existing
26 law enforcement discretion to decline to effect a custodial

1 arrest.

2 (a-4.1) A person arrested shall not be released prior to
3 arraignment if the person is arrested for a weapons-related or
4 sex offense. Upon release, the defendant shall be provided
5 written notification of the defendant's scheduled court date,
6 which shall be scheduled within 21 days after arrest, and
7 conditions of release, and shall be sent subsequent court
8 reminder notification by mail, electronically, text, or
9 telephone.

10 (a-4.2) A pretrial services agency shall screen each
11 defendant who is statutorily eligible for release before the
12 initial court appearance and provide a written report for the
13 bail hearing. The screen shall include a defendant interview,
14 criminal history investigation, verification of interview
15 information, administration of a validated pretrial risk
16 assessment instrument, and any other information as required
17 to assist the court in making informed release or detention
18 determinations.

19 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
20 ~~eustodial arrest, upon proper identification, for those~~
21 ~~accused of traffic and Class B and C criminal misdemeanor~~
22 ~~offenses, or of petty and business offenses, who pose no~~
23 ~~obvious threat to the community or any person, or who have no~~
24 ~~obvious medical or mental health issues that pose a risk to~~
25 ~~their own safety. Those released on citation shall be~~
26 ~~scheduled into court within 21 days.~~

1 ~~(a-3) A person arrested with or without a warrant for an~~
2 ~~offense for which pretrial release may not be denied may,~~
3 ~~except as otherwise provided in this Code, be released by the~~
4 ~~officer without appearing before a judge. The releasing~~
5 ~~officer shall issue the person a summons to appear within 21~~
6 ~~days. A presumption in favor of pretrial release shall be~~
7 ~~applied by an arresting officer in the exercise of his or her~~
8 ~~discretion under this Section.~~

9 (a-5) A person charged with an offense shall be allowed
10 counsel at the hearing at which ~~pretrial release~~ bail is
11 determined under Article 110 of this Code and at all pretrial
12 detention hearings and shall have the right to cross examine
13 the prosecution's witnesses and present evidence. If the
14 defendant desires counsel for his or her initial appearance
15 but is unable to obtain counsel, the court shall appoint a
16 public defender or licensed attorney at law of this State to
17 represent him or her for purposes of that hearing. At all
18 pretrial detention hearings, the prosecution shall have the
19 burden to prove by clear and convincing evidence that no
20 conditions of release will reasonably assure the safety of the
21 community or the defendant's appearance in court. At all
22 pretrial detention hearings, when detention is ordered, the
23 court shall make a written finding, explaining why less
24 restrictive conditions of release would be insufficient to
25 protect community safety or reasonably assure the defendant's
26 appearance at future court hearings. A public defender shall

1 be appointed prior to the defendant's first appearance, with
2 sufficient time for meaningful attorney-client contact to
3 gather information in order to advocate effectively for
4 defendant's pretrial release under the least restrictive
5 conditions to reasonably assure community safety and court
6 appearance. Defense counsel shall have access to the same
7 documentary information relied upon by the prosecution and
8 presented to the court.

9 (a-6) The defendant shall appear before the court in
10 person at the first appearance, but based on geographical or
11 other constraints, may appear through remote access.

12 (a-7) At the initial pretrial court appearance, the court,
13 upon written motion by the prosecution, may order the
14 defendant's temporary detention, pending a full pretrial
15 detention hearing within 3 calendar days, if:

16 (1) the court finds probable cause for the crime
17 charged;

18 (2) the defendant falls within the narrowly drawn
19 detention-eligible criteria; and

20 (3) the court finds by the preponderance of the
21 evidence that the defendant poses an unmanageable level of
22 risk to commit or attempt to commit a crime of violence, or
23 intentional failure to appear for scheduled court
24 appearances, or both, setting forth the factual basis for
25 temporary detention.

26 ~~(b) Upon initial appearance of a person before the court,~~

1 ~~the~~ The judge shall:

2 (1) ~~inform~~ Inform the defendant of the charge against
3 him and shall provide him with a copy of the charge;

4 (2) ~~advise~~ Advise the defendant of his right to
5 counsel and if indigent shall appoint a public defender or
6 licensed attorney at law of this State to represent him in
7 accordance with the provisions of Section 113-3 of this
8 Code;

9 (3) ~~schedule~~ Schedule a preliminary hearing in
10 appropriate cases;

11 (4) ~~admit~~ Admit the defendant to ~~pretrial release~~ bail
12 in accordance with the provisions of Article ~~110/5~~ 110 of
13 this Code, ~~or upon verified petition of the State, proceed~~
14 ~~with the setting of a detention hearing as provided in~~
15 ~~Section 110-6.1; and~~

16 (5) Order the confiscation of the person's passport or
17 impose travel restrictions on a defendant arrested for
18 first degree murder or other violent crime as defined in
19 Section 3 of the Rights of Crime Victims and Witnesses
20 Act, if the judge determines, based on the factors in
21 Section 110-5 of this Code, that this will reasonably
22 ensure the appearance of the defendant and compliance by
23 the defendant with all conditions of release.

24 (c) The court may issue an order of protection in
25 accordance with the provisions of Article 112A of this Code.
26 Crime victims shall be given notice by the State's Attorney's

1 office of this hearing as required in paragraph (2) of
2 subsection (b) of the Rights of Crime Victims and Witnesses
3 Act and shall be informed of their opportunity at this hearing
4 to obtain an order of protection under Article 112A of this
5 Code.

6 (d) At the initial appearance of a defendant in any
7 criminal proceeding, the court must advise the defendant in
8 open court that any foreign national who is arrested or
9 detained has the right to have notice of the arrest or
10 detention given to his or her country's consular
11 representatives and the right to communicate with those
12 consular representatives if the notice has not already been
13 provided. The court must make a written record of so advising
14 the defendant.

15 (e) If consular notification is not provided to a
16 defendant before his or her first appearance in court, the
17 court shall grant any reasonable request for a continuance of
18 the proceedings to allow contact with the defendant's
19 consulate. Any delay caused by the granting of the request by a
20 defendant shall temporarily suspend for the time of the delay
21 the period within which a person shall be tried as prescribed
22 by subsections (a), (b), or (e) of Section 103-5 of this Code
23 and on the day of the expiration of delay the period shall
24 continue at the point at which it was suspended.

25 ~~(f) At the hearing at which conditions of pretrial release~~
26 ~~are determined, the person charged shall be present in person~~

1 ~~rather than by video phone or any other form of electronic~~
2 ~~communication, unless the physical health and safety of the~~
3 ~~person would be endangered by appearing in court or the~~
4 ~~accused waives the right to be present in person.~~

5 ~~(g) Defense counsel shall be given adequate opportunity to~~
6 ~~confer with Defendant prior to any hearing in which conditions~~
7 ~~of release or the detention of the Defendant is to be~~
8 ~~considered, with a physical accommodation made to facilitate~~
9 ~~attorney/client consultation.~~

10 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
11 eff. 1-1-18; 101-652.)

12 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

13 Sec. 109-2. Person arrested in another county. (a) Any
14 person arrested in a county other than the one in which a
15 warrant for his arrest was issued shall be taken without
16 unnecessary delay before the nearest and most accessible judge
17 in the county where the arrest was made or, if no additional
18 delay is created, before the nearest and most accessible judge
19 in the county from which the warrant was issued. ~~Upon arrival~~
20 ~~in the county in which the warrant was issued, the status of~~
21 ~~the arrested person's release status shall be determined by~~
22 ~~the release revocation process described in Section 110-6. He~~
23 shall be admitted to bail in the amount specified in the
24 warrant or, for offenses other than felonies, in an amount as
25 set by the judge, and such bail shall be conditioned on his

1 appearing in the court issuing the warrant on a certain date.

2 The judge may hold a hearing to determine if the defendant is
3 the same person as named in the warrant.

4 (b) Notwithstanding the provisions of subsection (a), any
5 person arrested in a county other than the one in which a
6 warrant for his arrest was issued, may waive the right to be
7 taken before a judge in the county where the arrest was made.
8 If a person so arrested waives such right, the arresting
9 agency shall surrender such person to a law enforcement agency
10 of the county that issued the warrant without unnecessary
11 delay. The provisions of Section 109-1 shall then apply to the
12 person so arrested.

13 ~~(c) If a defendant is charged with a felony offense, but~~
14 ~~has a warrant in another county, the defendant shall be taken~~
15 ~~to the county that issued the warrant within 72 hours of the~~
16 ~~completion of condition or detention hearing, so that release~~
17 ~~or detention status can be resolved. This provision shall not~~
18 ~~apply to warrants issued outside of Illinois.~~

19 (Source: P.A. 86-298; 101-652.)

20 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

21 Sec. 109-3. Preliminary examination.)

22 (a) The judge shall hold the defendant to answer to the
23 court having jurisdiction of the offense if from the evidence
24 it appears there is probable cause to believe an offense has
25 been committed by the defendant, as provided in Section

1 109-3.1 of this Code, if the offense is a felony.

2 (b) If the defendant waives preliminary examination the
3 judge shall hold him to answer and may, or on the demand of the
4 prosecuting attorney shall, cause the witnesses for the State
5 to be examined. After hearing the testimony if it appears that
6 there is not probable cause to believe the defendant guilty of
7 any offense the judge shall discharge him.

8 (c) During the examination of any witness or when the
9 defendant is making a statement or testifying the judge may
10 and on the request of the defendant or State shall exclude all
11 other witnesses. He may also cause the witnesses to be kept
12 separate and to be prevented from communicating with each
13 other until all are examined.

14 (d) If the defendant is held to answer the judge may
15 require any material witness for the State or defendant to
16 enter into a written undertaking to appear at the trial, and
17 may provide for the forfeiture of a sum certain in the event
18 the witness does not appear at the trial. Any witness who
19 refuses to execute a recognizance may be committed by the
20 judge to the custody of the sheriff until trial or further
21 order of the court having jurisdiction of the cause. Any
22 witness who executes a recognizance and fails to comply with
23 its terms shall, in addition to any forfeiture provided in the
24 recognizance, be subject to the penalty provided in Section
25 32-10 of the Criminal Code of 2012 for violation of ~~the~~
26 ~~conditions of pretrial release~~ bail bond.

1 (e) During preliminary hearing or examination the
2 defendant may move for an order of suppression of evidence
3 pursuant to Section 114-11 or 114-12 of this Act or for other
4 reasons, and may move for dismissal of the charge pursuant to
5 Section 114-1 of this Act or for other reasons.

6 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

7 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

8 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
9 case involving a person charged with a felony in this State,
10 alleged to have been committed on or after January 1, 1984, the
11 provisions of this Section shall apply.

12 (b) Every person in custody in this State for the alleged
13 commission of a felony shall receive either a preliminary
14 examination as provided in Section 109-3 or an indictment by
15 Grand Jury as provided in Section 111-2, within 30 days from
16 the date he or she was taken into custody. Every person on
17 ~~pretrial release~~ bail or recognizance for the alleged
18 commission of a felony shall receive either a preliminary
19 examination as provided in Section 109-3 or an indictment by
20 Grand Jury as provided in Section 111-2, within 60 days from
21 the date he or she was arrested.

22 The provisions of this paragraph shall not apply in the
23 following situations:

24 (1) when delay is occasioned by the defendant; or

25 (2) when the defendant has been indicted by the Grand Jury

1 on the felony offense for which he or she was initially taken
2 into custody or on an offense arising from the same
3 transaction or conduct of the defendant that was the basis for
4 the felony offense or offenses initially charged; or

5 (3) when a competency examination is ordered by the court;
6 or

7 (4) when a competency hearing is held; or

8 (5) when an adjudication of incompetency for trial has
9 been made; or

10 (6) when the case has been continued by the court under
11 Section 114-4 of this Code after a determination that the
12 defendant is physically incompetent to stand trial.

13 (c) Delay occasioned by the defendant shall temporarily
14 suspend, for the time of the delay, the period within which the
15 preliminary examination must be held. On the day of expiration
16 of the delay the period in question shall continue at the point
17 at which it was suspended.

18 (Source: P.A. 83-644; 101-652.)

19 (725 ILCS 5/Art. 110 heading)

20 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

21 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

22 Sec. 110-1. Definitions. (a) ~~(Blank)~~. "Security" is that
23 which is required to be pledged to insure the payment of bail.

24 (b) "Sureties" encompasses the monetary and nonmonetary

1 requirements set by the court as conditions for release either
2 before or after conviction. "Surety" is one who executes a
3 bail bond and binds himself to pay the bail if the person in
4 custody fails to comply with all conditions of the bail bond.

5 (c) The phrase "for which a sentence of imprisonment,
6 without conditional and revocable release, shall be imposed by
7 law as a consequence of conviction" means an offense for which
8 a sentence of imprisonment, without probation, periodic
9 imprisonment or conditional discharge, is required by law upon
10 conviction.

11 (d) ~~(Blank.)~~ "Real and present threat to the physical
12 safety of any person or persons", as used in this Article,
13 includes a threat to the community, person, persons or class
14 of persons.

15 ~~(e) Willful flight means planning or attempting to~~
16 ~~intentionally evade prosecution by concealing oneself. Simple~~
17 ~~past non appearance in court alone is not evidence of future~~
18 ~~intent to evade prosecution.~~

19 (Source: P.A. 85-892; 101-652.)

20 (725 ILCS 5/110-1.1 new)

21 Sec. 110-1.1. Legislative findings. The General Assembly
22 finds that:

23 (1) The constitutional presumption of innocence and
24 reasonable bail shall be honored, by providing for release of
25 persons charged with crimes on the least restrictive

1 conditions that reasonably assure the person would (i) not
2 endanger public safety while awaiting trial and (ii) appear in
3 court as directed.

4 (2) Courts should first and foremost consider nonfinancial
5 bail alternatives and release on recognizance. To the extent
6 that it is used, money bail should be a method of release, not
7 a de facto method of detention, and must be attainable. No
8 defendant should be detained solely because they are
9 financially unable to post a money bond.

10 (3) Decisions regarding release, conditions of release,
11 and detention prior to trial should be individualized.

12 (4) Locally imposed exceptions to release of individuals
13 who are statutorily eligible for pretrial release shall be
14 precluded.

15 (5) Limited preventive detention of individuals charged
16 with statutory delineated exceptions shall be allowed, but
17 only after a due process hearing at which the individual's
18 risk to public safety or risk of flight is lawfully
19 established by clear and convincing evidence.

20 (6) Pretrial detention of any individual solely due to
21 inability to meet a financial condition of release shall be
22 prohibited.

23 (7) A systematic mechanism to identify any individual who
24 remains in custody solely due to inability to meet a financial
25 condition of release shall be established and used to cause
26 prompt reconsideration in that case.

1 (8) The entire pretrial services system must be fair,
2 efficient, transparent, accountable and adequately-resourced;
3 it must use legal and evidence-based practices and have an
4 operational structure guided by the National Institute of
5 Corrections.

6 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

7 Sec. 110-2. Release on own recognizance.

8 ~~(a) It is presumed that a defendant is entitled to release~~
9 ~~on personal recognizance on the condition that the defendant~~
10 ~~attend all required court proceedings and the defendant does~~
11 ~~not commit any criminal offense, and complies with all terms~~
12 ~~of pretrial release, including, but not limited to, orders of~~
13 ~~protection under both Section 112A-4 of this Code and Section~~
14 ~~214 of the Illinois Domestic Violence Act of 1986, all civil no~~
15 ~~contact orders, and all stalking no contact orders.~~

16 ~~(b) Additional conditions of release, including those~~
17 ~~highlighted above, shall be set only when it is determined~~
18 ~~that they are necessary to assure the defendant's appearance~~
19 ~~in court, assure the defendant does not commit any criminal~~
20 ~~offense, and complies with all conditions of pretrial release.~~

21 ~~(c) Detention only shall be imposed when it is determined~~
22 ~~that the defendant poses a specific, real and present threat~~
23 ~~to a person, or has a high likelihood of willful flight. If the~~
24 ~~court deems that the defendant is to be released on personal~~
25 ~~recognizance, the court may require that a written~~

1 ~~admonishment be signed by~~ When from all the circumstances the
2 court is of the opinion that the defendant will appear as
3 required either before or after conviction and the defendant
4 will not pose a danger to any person or the community and that
5 the defendant will comply with all conditions of bond, which
6 shall include the defendant's current address with a written
7 admonishment to the defendant ~~requiring~~ that he or she must
8 comply with the provisions of Section 110-12 of this Code
9 regarding any change in his or her address. ~~The,~~ the defendant
10 may be released on his or her own recognizance ~~upon signature.~~
11 The defendant's address shall at all times remain a matter of
12 public record with the clerk of the court. A failure to appear
13 as required by such recognizance shall constitute an offense
14 subject to the penalty provided in Section 32-10 of the
15 Criminal Code of 2012 for violation of the ~~conditions of~~
16 ~~pretrial release~~ bail bond, and any obligated sum fixed in the
17 recognizance shall be forfeited and collected in accordance
18 with subsection (g) of Section 110-7 of this Code.

19 ~~(d) If, after the procedures set out in Section 110-6.1,~~
20 ~~the court decides to detain the defendant, the Court must make~~
21 ~~a written finding as to why less restrictive conditions would~~
22 ~~not assure safety to the community and assure the defendant's~~
23 ~~appearance in court. At each subsequent appearance of the~~
24 ~~defendant before the Court, the judge must find that continued~~
25 ~~detention or the current set of conditions imposed are~~
26 ~~necessary to avoid the specific, real and present threat to~~

1 ~~any person or of willful flight from prosecution to continue~~
2 ~~detention of the defendant. The court is not required to be~~
3 ~~presented with new information or a change in circumstance to~~
4 ~~consider reconsidering pretrial detention on current~~
5 ~~conditions.~~

6 ~~(e)~~ This Section shall be liberally construed to
7 effectuate the purpose of relying upon contempt of court
8 proceedings or criminal sanctions instead of financial loss to
9 assure the appearance of the defendant, and that the defendant
10 will not pose a danger to any person or the community and that
11 the defendant will ~~not pose~~ comply with all conditions of
12 bond. Monetary bail should be set only when it is determined
13 that no other conditions of release will reasonably assure the
14 defendant's appearance in court, that the defendant does not
15 present a danger to any person or the community and that the
16 defendant will comply with all conditions of ~~pretrial release~~
17 bond.

18 The State may appeal any order permitting release by
19 personal recognizance.

20 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

21 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

22 Sec. 110-3. ~~Options for warrant alternatives~~ Issuance of
23 warrant.

24 ~~(a)~~ Upon failure to comply with any condition of ~~pretrial~~
25 ~~release~~ a bail bond or recognizance the court having

1 jurisdiction at the time of such failure may, ~~on its own motion~~
2 ~~or upon motion from the State,~~ issue an order to show cause as
3 to why he or she shall not be subject to revocation of pretrial
4 release, or for sanctions, as provided in Section 110-6.
5 Nothing in this Section prohibits the court from issuing a
6 warrant under subsection (c) upon failure to comply with any
7 condition of pretrial release or recognizance.

8 ~~(b) The order issued by the court shall state the facts~~
9 ~~alleged to constitute the hearing to show cause or otherwise~~
10 ~~why the person is subject to revocation of pretrial release. A~~
11 ~~certified copy of the order shall be served upon the person at~~
12 ~~least 48 hours in advance of the scheduled hearing.~~

13 ~~(c) If the person does not appear at the hearing to show~~
14 ~~cause or absconds, the court may,~~ in addition to any other
15 action provided by law, issue a warrant for the arrest of the
16 person at liberty on ~~pretrial release~~ bail or his own
17 recognizance. The contents of such a warrant shall be the same
18 as required for an arrest warrant issued upon complaint ~~and~~
19 ~~may modify any previously imposed conditions placed upon the~~
20 ~~person, rather than revoking pretrial release or issuing a~~
21 ~~warrant for the person in accordance with the requirements in~~
22 ~~subsections (d) and (e) of Section 110-5.~~ When a defendant is
23 at liberty on ~~pretrial release~~ bail or his own recognizance on
24 a felony charge and fails to appear in court as directed, the
25 court ~~may~~ shall issue a warrant for the arrest of such person
26 after his or her failure to appear at the show for cause

1 ~~hearing as provided in this Section.~~ Such warrant shall be
2 noted with a directive to peace officers to arrest the person
3 and hold such person without ~~pretrial release~~ bail and to
4 deliver such person before the court for further proceedings.

5 ~~(d) If the order as described in Subsection B is issued, a~~
6 ~~failure to appear shall not be recorded until the Defendant~~
7 ~~fails to appear at the hearing to show cause. For the purpose~~
8 ~~of any risk assessment or future evaluation of risk of willful~~
9 ~~flight or risk of failure to appear, a non appearance in court~~
10 ~~cured by an appearance at the hearing to show cause shall not~~
11 ~~be considered as evidence of future likelihood appearance in~~
12 ~~court.~~ A defendant who is arrested or surrenders within 30
13 days of the issuance of such warrant shall not be bailable in
14 the case in question unless he shows by the preponderance of
15 the evidence that his failure to appear was not intentional.

16 (Source: P.A. 86-298; 86-984; 86-1028; 101-652.)

17 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

18 Sec. 110-4. ~~Pretrial release~~ Bailable Offenses.

19 (a) ~~All persons charged with an offense shall be eligible~~
20 ~~for pretrial release before conviction. Pretrial release may~~
21 ~~only be denied when a person is charged with an offense listed~~
22 ~~in Section 110-6.1 or when the defendant has a high likelihood~~
23 ~~of willful flight, and after the court has held a hearing under~~
24 ~~Section 110-6.1.~~ All persons shall be bailable before
25 conviction, except the following offenses where the proof is

1 evident or the presumption great that the defendant is guilty
2 of the offense: capital offenses; offenses for which a
3 sentence of life imprisonment may be imposed as a consequence
4 of conviction; felony offenses for which a sentence of
5 imprisonment, without conditional and revocable release, shall
6 be imposed by law as a consequence of conviction, where the
7 court after a hearing, determines that the release of the
8 defendant would pose a real and present threat to the physical
9 safety of any person or persons; stalking or aggravated
10 stalking, where the court, after a hearing, determines that
11 the release of the defendant would pose a real and present
12 threat to the physical safety of the alleged victim of the
13 offense and denial of bail is necessary to prevent fulfillment
14 of the threat upon which the charge is based; or unlawful use
15 of weapons in violation of item (4) of subsection (a) of
16 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
17 of 2012 when that offense occurred in a school or in any
18 conveyance owned, leased, or contracted by a school to
19 transport students to or from school or a school-related
20 activity, or on any public way within 1,000 feet of real
21 property comprising any school, where the court, after a
22 hearing, determines that the release of the defendant would
23 pose a real and present threat to the physical safety of any
24 person and denial of bail is necessary to prevent fulfillment
25 of that threat; or making a terrorist threat in violation of
26 Section 29D-20 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 or an attempt to commit the offense of making a
2 terrorist threat, where the court, after a hearing, determines
3 that the release of the defendant would pose a real and present
4 threat to the physical safety of any person and denial of bail
5 is necessary to prevent fulfillment of that threat.

6 (b) A person seeking ~~pretrial~~ release on bail who is
7 charged with a capital offense or an offense for which a
8 sentence of life imprisonment may be imposed shall not be
9 ~~eligible for release pretrial~~ bailable until a hearing is held
10 wherein such person has the burden of demonstrating that the
11 proof of his guilt is not evident and the presumption is not
12 great.

13 (c) Where it is alleged that ~~pretrial~~ bail should be
14 denied to a person upon the grounds that the person presents a
15 real and present threat to the physical safety of any person or
16 persons, the burden of proof of such allegations shall be upon
17 the State.

18 (d) When it is alleged that ~~pretrial~~ bail should be denied
19 to a person charged with stalking or aggravated stalking upon
20 the grounds set forth in Section 110-6.3 of this Code, the
21 burden of proof of those allegations shall be upon the State.

22 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

23 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

24 Sec. 110-5. Determining the amount of bail and conditions
25 of release.

1 (a) In determining ~~which~~ the amount of monetary bail or
2 conditions of ~~pretrial~~ release, if any, which will reasonably
3 assure the appearance of a defendant as required or the safety
4 of any other person or the community and the likelihood of
5 compliance by the defendant with all the conditions of
6 ~~pretrial release~~ bail, the court shall, on the basis of
7 available information, take into account such matters as:

8 (1) the nature and circumstances of the offense
9 charged;

10 (2) the weight of the evidence against the eligible
11 defendant, except that the court may consider the
12 admissibility of any evidence sought to be excluded;

13 (3) the history and characteristics of the eligible
14 defendant, including:

15 (A) the eligible defendant's character, physical
16 and mental condition, family ties, employment,
17 financial resources, length of residence in the
18 community, community ties, past relating to drug or
19 alcohol abuse, conduct, history criminal history, and
20 record concerning appearance at court proceedings; and

21 (B) whether, at the time of the current offense or
22 arrest, the eligible defendant was on probation,
23 parole, or on other release pending trial, sentencing,
24 appeal, or completion of sentence for an offense under
25 federal law, or the law of this or any other state;

26 (4) the nature and seriousness of the risk of

1 obstructing or attempting to obstruct the criminal justice
2 process that would be posed by the eligible defendant's
3 release, if applicable; and

4 (4.1) the release recommendation of the pretrial
5 services agency, obtained using a risk assessment
6 instrument.

7 The court may consider the risk assessed through an
8 actuarial pretrial risk assessment instrument, except that the
9 court may not detain based solely on the results of that
10 instrument. ~~specific, real and present threat to any person~~
11 ~~that would be posed by the eligible defendant's release, if~~
12 ~~applicable; as required under paragraph (7.5) of Section 4 of~~
13 ~~the Rights of Crime Victims and Witnesses Act; and~~

14 (a-1) The Court shall, upon a detention determination,
15 state in writing the factual basis for its finding that, by
16 clear and convincing evidence, the defendant poses an
17 unmanageable risk to commit a violent offense or to willfully
18 fail to appear for scheduled court appearances and explaining
19 why less restrictive conditions of release would be
20 insufficient to protect the public or ensure that the
21 defendant returns to court. This written finding shall be
22 entered in every instance in which detention is ordered or in
23 which the conditions imposed by the court do not result in the
24 defendant's immediate release.

25 ~~(5) the nature and seriousness of the risk of~~
26 ~~obstructing or attempting to obstruct the criminal justice~~

1 ~~process that would be posed by the eligible defendant's~~
2 ~~release, if applicable.~~

3 ~~(b) The court shall impose any conditions that are~~
4 ~~mandatory under Section 110-10. The court may impose any~~
5 ~~conditions that are permissible under Section 110-10.~~

6 (a-5) There shall be a presumption that any conditions of
7 release imposed shall be non-monetary in nature and the court
8 shall impose the least restrictive and individualized
9 conditions or combination of conditions necessary to
10 reasonably assure the appearance of the defendant for further
11 court proceedings, provide reasonable assurance of public
12 safety, and protect the integrity of the judicial proceedings
13 from a specific threat to a witness or participant. Conditions
14 of release may include, but not be limited to, electronic home
15 monitoring, drug counseling, stay-away orders, and in-person
16 reporting. The court shall consider the defendant's
17 socio-economic circumstance when setting conditions of release
18 or imposing monetary bail. Conditions of bail requiring the
19 defendant to be placed on electronic home monitoring or to
20 undergo drug counseling are appropriate when used in
21 accordance with national best practices as detailed in the
22 Pretrial Supervision Standards of the Illinois Supreme Court.

23 (b) The amount of bail shall be:

24 (1) Sufficient to assure compliance with the
25 conditions set forth in the bail bond, which shall include
26 the defendant's current address with a written

1 admonishment to the defendant that he or she must comply
2 with the provisions of Section 110-12 regarding any change
3 in his or her address. The defendant's address shall at
4 all times remain a matter of public record with the clerk
5 of the court.

6 (2) Not oppressive.

7 (3) Considerate of the financial ability of the
8 accused.

9 (b-1) No defendant shall be solely detained due to his or
10 her inability to meet a financial condition of release.

11 (b-2) Sequential review procedures shall be adopted to
12 review pretrial release and detention decisions throughout the
13 pendency of the case.

14 (b-3) A defendant shall receive verbal and written
15 notification of all court-imposed bail conditions with clear
16 instructions for each condition. A Defendant shall also
17 receive verbal and written notification of subsequent court
18 dates, including date, time, and courtroom.

19 (c) When a person is charged with an offense punishable by
20 fine only the amount of the bail shall not exceed double the
21 amount of the maximum penalty.

22 (d) When a person has been convicted of an offense and only
23 a fine has been imposed the amount of the bail shall not exceed
24 double the amount of the fine.

25 (e) The State may appeal any order granting bail or
26 setting a given amount for bail.

1 (f) ~~(b)~~ When a person is charged with a violation of an
2 order of protection under Section 12-3.4 or 12-30 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 or when a
4 person is charged with domestic battery, aggravated domestic
5 battery, kidnapping, aggravated kidnaping, unlawful restraint,
6 aggravated unlawful restraint, stalking, aggravated stalking,
7 cyberstalking, harassment by telephone, harassment through
8 electronic communications, or an attempt to commit first
9 degree murder committed against an intimate partner regardless
10 whether an order of protection has been issued against the
11 person,

12 (1) whether the alleged incident involved harassment
13 or abuse, as defined in the Illinois Domestic Violence Act
14 of 1986;

15 (2) whether the person has a history of domestic
16 violence, as defined in the Illinois Domestic Violence
17 Act, or a history of other criminal acts;

18 (3) based on the mental health of the person;

19 (4) whether the person has a history of violating the
20 orders of any court or governmental entity;

21 (5) whether the person has been, or is, potentially a
22 threat to any other person;

23 (6) whether the person has access to deadly weapons or
24 a history of using deadly weapons;

25 (7) whether the person has a history of abusing
26 alcohol or any controlled substance;

1 (8) based on the severity of the alleged incident that
2 is the basis of the alleged offense, including, but not
3 limited to, the duration of the current incident, and
4 whether the alleged incident involved the use of a weapon,
5 physical injury, sexual assault, strangulation, abuse
6 during the alleged victim's pregnancy, abuse of pets, or
7 forcible entry to gain access to the alleged victim;

8 (9) whether a separation of the person from the ~~victim~~
9 ~~of abuse~~ alleged victim or a termination of the
10 relationship between the person and the ~~victim of abuse~~
11 alleged victim has recently occurred or is pending;

12 (10) whether the person has exhibited obsessive or
13 controlling behaviors toward the ~~victim of abuse~~ alleged
14 victim, including, but not limited to, stalking,
15 surveillance, or isolation of the ~~victim of abuse~~ alleged
16 victim or victim's family member or members;

17 (11) whether the person has expressed suicidal or
18 homicidal ideations;

19 ~~(11.5) any other factors deemed by the court to have a~~
20 ~~reasonable bearing upon the defendant's propensity or~~
21 ~~reputation for violent, abusive or assaultive behavior, or~~
22 ~~lack of that behavior~~

23 (12) based on any information contained in the
24 complaint and any police reports, affidavits, or other
25 documents accompanying the complaint,
26 the court may, in its discretion, order the respondent to

1 undergo a risk assessment evaluation using a recognized,
2 evidence-based instrument conducted by an Illinois Department
3 of Human Services approved partner abuse intervention program
4 provider, pretrial service, probation, or parole agency. These
5 agencies shall have access to summaries of the defendant's
6 criminal history, which shall not include victim interviews or
7 information, for the risk evaluation. Based on the information
8 collected from the 12 points to be considered at a bail hearing
9 under this subsection (f), the results of any risk evaluation
10 conducted and the other circumstances of the violation, the
11 court may order that the person, as a condition of bail, be
12 placed under electronic surveillance as provided in Section
13 5-8A-7 of the Unified Code of Corrections. Upon making a
14 determination whether or not to order the respondent to
15 undergo a risk assessment evaluation or to be placed under
16 electronic surveillance and risk assessment, the court shall
17 document in the record the court's reasons for making those
18 determinations. The cost of the electronic surveillance and
19 risk assessment shall be paid by, or on behalf, of the
20 defendant. As used in this subsection (f), "intimate partner"
21 means a spouse or a current or former partner in a cohabitation
22 or dating relationship.

23 ~~(c) In cases of stalking or aggravated stalking under~~
24 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
25 ~~court may consider the following additional factors:~~

26 ~~(1) Any evidence of the defendant's prior criminal~~

1 ~~history indicative of violent, abusive or assaultive~~
2 ~~behavior, or lack of that behavior. The evidence may~~
3 ~~include testimony or documents received in juvenile~~
4 ~~proceedings, criminal, quasi-criminal, civil commitment,~~
5 ~~domestic relations or other proceedings;~~

6 ~~(2) Any evidence of the defendant's psychological,~~
7 ~~psychiatric or other similar social history that tends to~~
8 ~~indicate a violent, abusive, or assaultive nature, or lack~~
9 ~~of any such history.~~

10 ~~(3) The nature of the threat which is the basis of the~~
11 ~~charge against the defendant;~~

12 ~~(4) Any statements made by, or attributed to the~~
13 ~~defendant, together with the circumstances surrounding~~
14 ~~them;~~

15 ~~(5) The age and physical condition of any person~~
16 ~~allegedly assaulted by the defendant;~~

17 ~~(6) Whether the defendant is known to possess or have~~
18 ~~access to any weapon or weapons;~~

19 ~~(7) Any other factors deemed by the court to have a~~
20 ~~reasonable bearing upon the defendant's propensity or~~
21 ~~reputation for violent, abusive or assaultive behavior, or~~
22 ~~lack of that behavior.~~

23 ~~(d) The Court may use a regularly validated risk~~
24 ~~assessment tool to aid its determination of appropriate~~
25 ~~conditions of release as provided for in Section 110-6.4. Risk~~
26 ~~assessment tools may not be used as the sole basis to deny~~

1 ~~pretrial release. If a risk assessment tool is used, the~~
2 ~~defendant's counsel shall be provided with the information and~~
3 ~~scoring system of the risk assessment tool used to arrive at~~
4 ~~the determination. The defendant retains the right to~~
5 ~~challenge the validity of a risk assessment tool used by the~~
6 ~~court and to present evidence relevant to the defendant's~~
7 ~~challenge.~~

8 ~~(e) If a person remains in pretrial detention after his or~~
9 ~~her pretrial conditions hearing after having been ordered~~
10 ~~released with pretrial conditions, the court shall hold a~~
11 ~~hearing to determine the reason for continued detention. If~~
12 ~~the reason for continued detention is due to the~~
13 ~~unavailability or the defendant's ineligibility for one or~~
14 ~~more pretrial conditions previously ordered by the court or~~
15 ~~directed by a pretrial services agency, the court shall reopen~~
16 ~~the conditions of release hearing to determine what available~~
17 ~~pretrial conditions exist that will reasonably assure the~~
18 ~~appearance of a defendant as required or the safety of any~~
19 ~~other person and the likelihood of compliance by the defendant~~
20 ~~with all the conditions of pretrial release. The inability of~~
21 ~~Defendant to pay for a condition of release or any other~~
22 ~~ineligibility for a condition of pretrial release shall not be~~
23 ~~used as a justification for the pretrial detention of that~~
24 ~~Defendant.~~

25 ~~(f) Prior to the defendant's first appearance, the Court~~
26 ~~shall appoint the public defender or a licensed attorney at~~

1 ~~law of this State to represent the Defendant for purposes of~~
2 ~~that hearing, unless the defendant has obtained licensed~~
3 ~~counsel for themselves.~~

4 ~~(g) Electronic monitoring, GPS monitoring, or home~~
5 ~~confinement can only be imposed condition of pretrial release~~
6 ~~if a no less restrictive condition of release or combination~~
7 ~~of less restrictive condition of release would reasonably~~
8 ~~ensure the appearance of the defendant for later hearings or~~
9 ~~protect an identifiable person or persons from imminent threat~~
10 ~~of serious physical harm.~~

11 ~~(h) If the court imposes electronic monitoring, GPS~~
12 ~~monitoring, or home confinement the court shall set forth in~~
13 ~~the record the basis for its finding. A defendant shall be~~
14 ~~given custodial credit for each day he or she was subjected to~~
15 ~~that program, at the same rate described in subsection (b) of~~
16 ~~Section 5-4.5-100 of the unified code of correction.~~

17 ~~(i) If electronic monitoring, GPS monitoring, or home~~
18 ~~confinement is imposed, the court shall determine every 60~~
19 ~~days if no less restrictive condition of release or~~
20 ~~combination of less restrictive conditions of release would~~
21 ~~reasonably ensure the appearance, or continued appearance, of~~
22 ~~the defendant for later hearings or protect an identifiable~~
23 ~~person or persons from imminent threat of serious physical~~
24 ~~harm. If the court finds that there are less restrictive~~
25 ~~conditions of release, the court shall order that the~~
26 ~~condition be removed.~~

1 (g) ~~(j)~~ Crime Victims shall be given notice by the State's
2 Attorney's office of this hearing as required in paragraph (1)
3 of subsection (b) of Section 4.5 of the Rights of Crime Victims
4 and Witnesses Act and shall be informed of their opportunity
5 at this hearing to obtain an order of protection under Article
6 112A of this Code.

7 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23.)

8 (725 ILCS 5/110-5.2)

9 Sec. 110-5.2. ~~Pretrial release~~ Bail; pregnant pre-trial
10 detainee.

11 (a) It is the policy of this State that a pre-trial
12 detainee shall not be required to deliver a child while in
13 custody absent a finding by the court that continued pre-trial
14 custody is necessary to protect the public or the victim of the
15 offense on which the charge is based.

16 (b) If the court reasonably believes that a pre-trial
17 detainee will give birth while in custody, the court shall
18 order an alternative to custody unless, after a hearing, the
19 court determines:

20 (1) that the release of the pregnant pre-trial
21 detainee would pose a real and present threat to the
22 physical safety of the alleged victim of the offense and
23 continuing custody is necessary to prevent the fulfillment
24 of the threat upon which the charge is based; or

25 (2) that the release of the pregnant pre-trial

1 detainee would pose a real and present threat to the
2 physical safety of any person or persons or the general
3 public.

4 (c) The court may order a pregnant or post-partum detainee
5 to be subject to electronic monitoring as a condition of
6 pre-trial release or order other condition or combination of
7 conditions the court reasonably determines are in the best
8 interest of the detainee and the public.

9 (d) This Section shall be applicable to a pregnant
10 pre-trial detainee in custody on or after the effective date
11 of this amendatory Act of the 100th General Assembly.

12 (Source: P.A. 100-630, eff. 1-1-19; 101-652.)

13 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

14 Sec. 110-6. ~~Revocation of pretrial release, modification~~
15 ~~of conditions of pretrial release, and sanctions for~~
16 ~~violations of conditions of pretrial release~~ Modification of
17 bail or conditions.

18 (a) ~~When a defendant is granted pretrial release under~~
19 ~~this section, that pretrial release may be revoked only under~~
20 ~~the following conditions:~~

21 ~~(1) if the defendant is charged with a detainable~~
22 ~~felony as defined in 110-6.1, a defendant may be detained~~
23 ~~after the State files a verified petition for such a~~
24 ~~hearing, and gives the defendant notice as prescribed in~~
25 ~~110-6.1; or~~

1 ~~(2) in accordance with subsection (b) of this section.~~

2 ~~(b) Revocation due to a new criminal charge: If an~~
3 ~~individual, while on pretrial release for a Felony or Class A~~
4 ~~misdemeanor under this Section, is charged with a new felony~~
5 ~~or Class A misdemeanor under the Criminal Code of 2012, the~~
6 ~~court may, on its own motion or motion of the state, begin~~
7 ~~proceedings to revoke the individual's' pretrial release.~~

8 ~~(1) When the defendant is charged with a felony or~~
9 ~~class A misdemeanor offense and while free on pretrial~~
10 ~~release bail is charged with a subsequent felony or class~~
11 ~~A misdemeanor offense that is alleged to have occurred~~
12 ~~during the defendant's pretrial release, the state may~~
13 ~~file a verified petition for revocation of pretrial~~
14 ~~release.~~

15 ~~(2) When a defendant on pretrial release is charged~~
16 ~~with a violation of an order of protection issued under~~
17 ~~Section 112A 14 of this Code, or Section 214 of the~~
18 ~~Illinois Domestic Violence Act of 1986 or previously was~~
19 ~~convicted of a violation of an order of protection under~~
20 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
21 ~~Criminal Code of 2012, and the subject of the order of~~
22 ~~protection is the same person as the victim in the~~
23 ~~underlying matter, the state shall file a verified~~
24 ~~petition for revocation of pretrial release.~~

25 ~~(3) Upon the filing of this petition, the court shall~~
26 ~~order the transfer of the defendant and the application to~~

1 ~~the court before which the previous felony matter is~~
2 ~~pending. The defendant shall be held without bond pending~~
3 ~~transfer to and a hearing before such court. The defendant~~
4 ~~shall be transferred to the court before which the~~
5 ~~previous matter is pending without unnecessary delay. In~~
6 ~~no event shall the time between the filing of the state's~~
7 ~~petition for revocation and the defendant's appearance~~
8 ~~before the court before which the previous matter is~~
9 ~~pending exceed 72 hours.~~

10 ~~(4) The court before which the previous felony matter~~
11 ~~is pending may revoke the defendant's pretrial release~~
12 ~~only if it finds, after considering all relevant~~
13 ~~circumstances including, but not limited to, the nature~~
14 ~~and seriousness of the violation or criminal act alleged,~~
15 ~~by the court finds clear and convincing evidence that no~~
16 ~~condition or combination of conditions of release would~~
17 ~~reasonably assure the appearance of the defendant for~~
18 ~~later hearings or prevent the defendant from being charged~~
19 ~~with a subsequent felony or class A misdemeanor.~~

20 ~~(5) In lieu of revocation, the court may release the~~
21 ~~defendant pre-trial, with or without modification of~~
22 ~~conditions of pretrial release.~~

23 ~~(6) If the case that caused the revocation is~~
24 ~~dismissed, the defendant is found not guilty in the case~~
25 ~~causing the revocation, or the defendant completes a~~
26 ~~lawfully imposed sentence on the case causing the~~

1 ~~revocation, the court shall, without unnecessary delay,~~
2 ~~hold a hearing on conditions of release pursuant to~~
3 ~~section 110-5 and release the defendant with or without~~
4 ~~modification of conditions of pretrial release.~~

5 ~~(7) Both the state and the defense may appeal an order~~
6 ~~revoking pretrial release or denying a petition for~~
7 ~~revocation of release.~~

8 ~~(c) Violations other than re arrest for a felony or class~~
9 ~~A misdemeanor. If a defendant:~~

10 ~~(1) fails to appear in court as required by their~~
11 ~~conditions of release;~~

12 ~~(2) is charged with a class B or C misdemeanor, petty~~
13 ~~offense, traffic offense, or ordinance violation that is~~
14 ~~alleged to have occurred during the defendant's pretrial~~
15 ~~release; or~~

16 ~~(3) violates any other condition of release set by the~~
17 ~~court,~~

18 ~~the court shall follow the procedures set forth in Section~~
19 ~~110-3 to ensure the defendant's appearance in court to address~~
20 ~~the violation.~~

21 ~~(d) When a defendant appears in court for a notice to show~~
22 ~~cause hearing, or after being arrested on a warrant issued~~
23 ~~because of a failure to appear at a notice to show cause~~
24 ~~hearing, or after being arrested for an offense other than a~~
25 ~~felony or class A misdemeanor, the state may file a verified~~
26 ~~petition requesting a hearing for sanctions.~~

1 ~~(e) During the hearing for sanctions, the defendant shall~~
2 ~~be represented by counsel and have an opportunity to be heard~~
3 ~~regarding the violation and evidence in mitigation. The court~~
4 ~~shall only impose sanctions if it finds by clear and~~
5 ~~convincing evidence that:~~

6 ~~1. The defendant committed an act that violated a term~~
7 ~~of their pretrial release;~~

8 ~~2. The defendant had actual knowledge that their~~
9 ~~action would violate a court order;~~

10 ~~3. The violation of the court order was willful; and~~

11 ~~4. The violation was not caused by a lack of access to~~
12 ~~financial monetary resources.~~

13 ~~(f) Sanctions: sanctions for violations of pretrial~~
14 ~~release may include:~~

15 ~~1. A verbal or written admonishment from the court;~~

16 ~~2. Imprisonment in the county jail for a period not~~
17 ~~exceeding 30 days;~~

18 ~~3. A fine of not more than \$200; or~~

19 ~~4. A modification of the defendant's pretrial~~
20 ~~conditions.~~

21 ~~(g) Modification of Pretrial Conditions~~

22 ~~(a) The court may, at any time, after motion by either~~
23 ~~party or on its own motion, remove previously set~~
24 ~~conditions of pretrial release, subject to the provisions~~
25 ~~in section (e). The court may only add or increase~~
26 ~~conditions of pretrial release at a hearing under this~~

1 ~~Section, in a warrant issued under Section 110-3, or upon~~
2 ~~motion from the state.~~

3 ~~(b) Modification of conditions of release regarding~~
4 ~~contact with victims or witnesses. The court shall not~~
5 ~~remove a previously set condition of bond regulating~~
6 ~~contact with a victim or witness in the case, unless the~~
7 ~~subject of the condition has been given notice of the~~
8 ~~hearing as required in paragraph (1) of subsection (b) of~~
9 ~~Section 4.5 of the Rights of Crime Victims and Witnesses~~
10 ~~Act. If the subject of the condition of release is not~~
11 ~~present, the court shall follow the procedures of~~
12 ~~paragraph (10) of subsection (c-1) of the Rights of Crime~~
13 ~~Victims and Witnesses Act.~~

14 (a-1) (h) Notice to Victims: Crime Victims shall be given
15 notice by the State's Attorney's office of all hearings in
16 this section as required in paragraph (1) of subsection (b) of
17 Section 4.5 of the Rights of Crime Victims and Witnesses Act
18 and shall be informed of their opportunity at these hearing to
19 obtain an order of protection under Article 112A of this Code.
20 Upon verified application by the State or the defendant or on
21 its own motion the court before which the proceeding is
22 pending may increase or reduce the amount of bail or may alter
23 the conditions of the bail bond or grant bail where it has been
24 previously revoked or denied. If bail has been previously
25 revoked pursuant to subsection (f) of this Section or if bail
26 has been denied to the defendant pursuant to subsection (e) of

1 Section 110-6.1 or subsection (e) of Section 110-6.3, the
2 defendant shall be required to present a verified application
3 setting forth in detail any new facts not known or obtainable
4 at the time of the previous revocation or denial of bail
5 proceedings. If the court grants bail where it has been
6 previously revoked or denied, the court shall state on the
7 record of the proceedings the findings of facts and conclusion
8 of law upon which such order is based.

9 (a-5) In addition to any other available motion or
10 procedure under this Code, a person in custody solely for a
11 Category B offense due to an inability to post monetary bail
12 shall be brought before the court at the next available court
13 date or 7 calendar days from the date bail was set, whichever
14 is earlier, for a rehearing on the amount or conditions of bail
15 or release pending further court proceedings. The court may
16 reconsider conditions of release for any other person whose
17 inability to post monetary bail is the sole reason for
18 continued incarceration, including a person in custody for a
19 Category A offense or a Category A offense and a Category B
20 offense. The court may deny the rehearing permitted under this
21 subsection (a-5) if the person has failed to appear as
22 required before the court and is incarcerated based on a
23 warrant for failure to appear on the same original criminal
24 offense.

25 (b) Violation of the conditions of Section 110-10 of this
26 Code or any special conditions of bail as ordered by the court

1 shall constitute grounds for the court to increase the amount
2 of bail, or otherwise alter the conditions of bail, or, where
3 the alleged offense committed on bail is a forcible felony in
4 Illinois or a Class 2 or greater offense under the Illinois
5 Controlled Substances Act, the Cannabis Control Act, or the
6 Methamphetamine Control and Community Protection Act, revoke
7 bail pursuant to the appropriate provisions of subsection (e)
8 of this Section.

9 (c) Reasonable notice of such application by the defendant
10 shall be given to the State.

11 (d) Reasonable notice of such application by the State
12 shall be given to the defendant, except as provided in
13 subsection (e).

14 (e) Upon verified application by the State stating facts
15 or circumstances constituting a violation or a threatened
16 violation of any of the conditions of the bail bond the court
17 may issue a warrant commanding any peace officer to bring the
18 defendant without unnecessary delay before the court for a
19 hearing on the matters set forth in the application. If the
20 actual court before which the proceeding is pending is absent
21 or otherwise unavailable another court may issue a warrant
22 pursuant to this Section. When the defendant is charged with a
23 felony offense and while free on bail is charged with a
24 subsequent felony offense and is the subject of a proceeding
25 set forth in Section 109-1 or 109-3 of this Code, upon the
26 filing of a verified petition by the State alleging a

1 violation of Section 110-10 (a) (4) of this Code, the court
2 shall without prior notice to the defendant, grant leave to
3 file such application and shall order the transfer of the
4 defendant and the application without unnecessary delay to the
5 court before which the previous felony matter is pending for a
6 hearing as provided in subsection (b) or this subsection of
7 this Section. The defendant shall be held without bond pending
8 transfer to and a hearing before such court. At the conclusion
9 of the hearing based on a violation of the conditions of
10 Section 110-10 of this Code or any special conditions of bail
11 as ordered by the court the court may enter an order increasing
12 the amount of bail or alter the conditions of bail as deemed
13 appropriate.

14 (f) Where the alleged violation consists of the violation
15 of one or more felony statutes of any jurisdiction which would
16 be a forcible felony in Illinois or a Class 2 or greater
17 offense under the Illinois Controlled Substances Act, the
18 Cannabis Control Act, or the Methamphetamine Control and
19 Community Protection Act and the defendant is on bail for the
20 alleged commission of a felony, or where the defendant is on
21 bail for a felony domestic battery (enhanced pursuant to
22 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
23 or the Criminal Code of 2012), aggravated domestic battery,
24 aggravated battery, unlawful restraint, aggravated unlawful
25 restraint or domestic battery in violation of item (1) of
26 subsection (a) of Section 12-3.2 of the Criminal Code of 1961

1 or the Criminal Code of 2012 against a family or household
2 member as defined in Section 112A-3 of this Code and the
3 violation is an offense of domestic battery against the same
4 victim the court shall, on the motion of the State or its own
5 motion, revoke bail in accordance with the following
6 provisions:

7 (1) The court shall hold the defendant without bail
8 pending the hearing on the alleged breach; however, if the
9 defendant is not admitted to bail the hearing shall be
10 commenced within 10 days from the date the defendant is
11 taken into custody or the defendant may not be held any
12 longer without bail, unless delay is occasioned by the
13 defendant. Where defendant occasions the delay, the
14 running of the 10 day period is temporarily suspended and
15 resumes at the termination of the period of delay. Where
16 defendant occasions the delay with 5 or fewer days
17 remaining in the 10 day period, the court may grant a
18 period of up to 5 additional days to the State for good
19 cause shown. The State, however, shall retain the right to
20 proceed to hearing on the alleged violation at any time,
21 upon reasonable notice to the defendant and the court.

22 (2) At a hearing on the alleged violation the State
23 has the burden of going forward and proving the violation
24 by clear and convincing evidence. The evidence shall be
25 presented in open court with the opportunity to testify,
26 to present witnesses in his behalf, and to cross-examine

1 witnesses if any are called by the State, and
2 representation by counsel and if the defendant is indigent
3 to have counsel appointed for him. The rules of evidence
4 applicable in criminal trials in this State shall not
5 govern the admissibility of evidence at such hearing.
6 Information used by the court in its findings or stated in
7 or offered in connection with hearings for increase or
8 revocation of bail may be by way of proffer based upon
9 reliable information offered by the State or defendant.
10 All evidence shall be admissible if it is relevant and
11 reliable regardless of whether it would be admissible
12 under the rules of evidence applicable at criminal trials.
13 A motion by the defendant to suppress evidence or to
14 suppress a confession shall not be entertained at such a
15 hearing. Evidence that proof may have been obtained as a
16 result of an unlawful search and seizure or through
17 improper interrogation is not relevant to this hearing.

18 (3) Upon a finding by the court that the State has
19 established by clear and convincing evidence that the
20 defendant has committed a forcible felony or a Class 2 or
21 greater offense under the Illinois Controlled Substances
22 Act, the Cannabis Control Act, or the Methamphetamine
23 Control and Community Protection Act while admitted to
24 bail, or where the defendant is on bail for a felony
25 domestic battery (enhanced pursuant to subsection (b) of
26 Section 12-3.2 of the Criminal Code of 1961 or the

1 Criminal Code of 2012), aggravated domestic battery,
2 aggravated battery, unlawful restraint, aggravated
3 unlawful restraint or domestic battery in violation of
4 item (1) of subsection (a) of Section 12-3.2 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 against
6 a family or household member as defined in Section 112A-3
7 of this Code and the violation is an offense of domestic
8 battery, against the same victim, the court shall revoke
9 the bail of the defendant and hold the defendant for trial
10 without bail. Neither the finding of the court nor any
11 transcript or other record of the hearing shall be
12 admissible in the State's case in chief, but shall be
13 admissible for impeachment, or as provided in Section
14 115-10.1 of this Code or in a perjury proceeding.

15 (4) If the bail of any defendant is revoked pursuant
16 to paragraph (f) (3) of this Section, the defendant may
17 demand and shall be entitled to be brought to trial on the
18 offense with respect to which he was formerly released on
19 bail within 90 days after the date on which his bail was
20 revoked. If the defendant is not brought to trial within
21 the 90 day period required by the preceding sentence, he
22 shall not be held longer without bail. In computing the 90
23 day period, the court shall omit any period of delay
24 resulting from a continuance granted at the request of the
25 defendant.

26 (5) If the defendant either is arrested on a warrant

1 issued pursuant to this Code or is arrested for an
2 unrelated offense and it is subsequently discovered that
3 the defendant is a subject of another warrant or warrants
4 issued pursuant to this Code, the defendant shall be
5 transferred promptly to the court which issued such
6 warrant. If, however, the defendant appears initially
7 before a court other than the court which issued such
8 warrant, the non-issuing court shall not alter the amount
9 of bail set on such warrant unless the court sets forth on
10 the record of proceedings the conclusions of law and facts
11 which are the basis for such altering of another court's
12 bond. The non-issuing court shall not alter another
13 court's bail set on a warrant unless the interests of
14 justice and public safety are served by such action.

15 (g) The State may appeal any order where the court has
16 increased or reduced the amount of bail or altered the
17 conditions of the bail bond or granted bail where it has
18 previously been revoked.

19 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
20 101-652.)

21 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

22 Sec. 110-6.1. Denial of ~~pretrial release~~ bail for certain
23 offenses.

24 (a) Upon verified petition by the State, the court shall
25 hold a hearing ~~and may deny~~ to determine whether bail should be

1 denied to a defendant ~~pretrial release only if:~~

2 ~~(1) the defendant~~ who is charged with a ~~forcible~~
3 felony offense for which a sentence of imprisonment,
4 without probation, periodic imprisonment or conditional
5 discharge, is required by law upon conviction, ~~and~~ when it
6 is alleged that the defendant's ~~pretrial release poses a~~
7 ~~specific, real and present threat to any person or the~~
8 ~~community.~~ admission to bail poses a real and present
9 threat to the physical safety of any person or persons.

10 ~~(2) the defendant is charged with stalking or~~
11 ~~aggravated stalking and it is alleged that the defendant's~~
12 ~~pre-trial release poses a real and present threat to the~~
13 ~~physical safety of a victim of the alleged offense, and~~
14 ~~denial of release is necessary to prevent fulfillment of~~
15 ~~the threat upon which the charge is based.~~

16 ~~(3) the victim of abuse was a family or household~~
17 ~~member as defined by paragraph (6) of Section 103 of the~~
18 ~~Illinois Domestic Violence Act of 1986, and the person~~
19 ~~charged, at the time of the alleged offense, was subject~~
20 ~~to the terms of an order of protection issued under~~
21 ~~Section 112A-14 of this Code, or Section 214 of the~~
22 ~~Illinois Domestic Violence Act of 1986 or previously was~~
23 ~~convicted of a violation of an order of protection under~~
24 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
25 ~~Criminal Code of 2012 or a violent crime if the victim was~~
26 ~~a family or household member as defined by paragraph (6)~~

1 ~~of the Illinois Domestic Violence Act of 1986 at the time~~
2 ~~of the offense or a violation of a substantially similar~~
3 ~~municipal ordinance or law of this or any other state or~~
4 ~~the United States if the victim was a family or household~~
5 ~~member as defined by paragraph (6) of Section 103 of the~~
6 ~~Illinois Domestic Violence Act of 1986 at the time of the~~
7 ~~offense, and it is alleged that the defendant's pre trial~~
8 ~~release poses a real and present threat to the physical~~
9 ~~safety of any person or persons;~~

10 ~~(4) the defendant is charged with domestic battery or~~
11 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
12 ~~of the Criminal Code of 2012 and it is alleged that the~~
13 ~~defendant's pretrial release poses a real and present~~
14 ~~threat to the physical safety of any person or persons;~~

15 ~~(5) the defendant is charged with any offense under~~
16 ~~Article 11 of the Criminal Code of 2012, except for~~
17 ~~Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal~~
18 ~~Code of 2012, or similar provisions of the Criminal Code~~
19 ~~of 1961 and it is alleged that the defendant's pretrial~~
20 ~~release poses a real and present threat to the physical~~
21 ~~safety of any person or persons;~~

22 ~~(6) the defendant is charged with any of these~~
23 ~~violations under the Criminal Code of 2012 and it is~~
24 ~~alleged that the defendant's pretrial releases poses a~~
25 ~~real and present threat to the physical safety of any~~
26 ~~specifically identifiable person or persons.~~

1 ~~(A) Section 24-1.2 (aggravated discharge of a~~
2 ~~firearm);~~

3 ~~(B) Section 24-2.5 (aggravated discharge of a~~
4 ~~machine gun or a firearm equipped with a device~~
5 ~~designed or use for silencing the report of a~~
6 ~~firearm);~~

7 ~~(C) Section 24-1.5 (reckless discharge of a~~
8 ~~firearm);~~

9 ~~(D) Section 24-1.7 (armed habitual criminal);~~

10 ~~(E) Section 24-2.2-2 (manufacture, sale or~~
11 ~~transfer of bullets or shells represented to be armor~~
12 ~~piercing bullets, dragon's breath shotgun shells, bolo~~
13 ~~shells or flechette shells);~~

14 ~~(F) Section 24-3 (unlawful sale or delivery of~~
15 ~~firearms);~~

16 ~~(G) Section 24-3.3 (unlawful sale or delivery of~~
17 ~~firearms on the premises of any school);~~

18 ~~(H) Section 24-34 (unlawful sale of firearms by~~
19 ~~liquor license);~~

20 ~~(I) Section 24-3.5 (unlawful purchase of a~~
21 ~~firearm);~~

22 ~~(J) Section 24-3A (gunrunning); or~~

23 ~~(K) Section on 24-3B (firearms trafficking);~~

24 ~~(L) Section 10-9 (b) (involuntary servitude);~~

25 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
26 ~~of a minor);~~

1 ~~(N) Section 10-9(d) (trafficking in persons);~~
2 ~~(O) Non-probationable violations: (i) (unlawful~~
3 ~~use or possession of weapons by felons or persons in~~
4 ~~the Custody of the Department of Corrections~~
5 ~~facilities (Section 24-1.1), (ii) aggravated unlawful~~
6 ~~use of a weapon (Section 24-1.6, or (iii) aggravated~~
7 ~~possession of a stolen firearm (Section 24-3.9);~~
8 ~~(7) the person has a high likelihood of willful flight~~
9 ~~to avoid prosecution and is charged with:~~

10 ~~(A) Any felony described in Sections (a)(1)~~
11 ~~through (a)(5) of this Section; or~~

12 ~~(B) A felony offense other than a Class 4 offense.~~

13 ~~(b) If the charged offense is a felony, the Court shall~~
14 ~~hold a hearing pursuant to 109-3 of this Code to~~
15 ~~determine whether there is probable cause the~~
16 ~~defendant has committed an offense, unless a grand~~
17 ~~jury has returned a true bill of indictment against~~
18 ~~the defendant. If there is a finding of no probable~~
19 ~~cause, the defendant shall be released. No such~~
20 ~~finding is necessary if the defendant is charged with~~
21 ~~a misdemeanor.~~

22 ~~(c) Timing of petition.~~

23 (1) A petition may be filed without prior notice to
24 the defendant at the first appearance before a judge, or
25 within the 21 calendar days, except as provided in Section
26 110-6, after arrest and release of the defendant upon

1 reasonable notice to defendant; provided that while such
2 petition is pending before the court, the defendant if
3 previously released shall not be detained.

4 ~~(2) (2) Upon filing, the court shall immediately hold~~
5 ~~a hearing on the petition unless a continuance is~~
6 ~~requested. If a continuance is requested, the hearing~~
7 ~~shall be held within 48 hours of the defendant's first~~
8 ~~appearance if the defendant is charged with a Class X,~~
9 ~~Class 1, Class 2, or Class 3 felony, and within 24 hours if~~
10 ~~the defendant is charged with a Class 4 or misdemeanor~~
11 ~~offense. The Court may deny and or grant the request for~~
12 ~~continuance. If the court decides to grant the~~
13 ~~continuance, the Court retains the discretion to detain or~~
14 ~~release the defendant in the time between the filing of~~
15 ~~the petition and the hearing.~~

16 ~~(d) Contents of petition.~~

17 ~~(1) The petition shall be verified by the State and~~
18 ~~shall state the grounds upon which it contends the~~
19 ~~defendant should be denied pretrial release, including the~~
20 ~~identity of the specific person or persons the State~~
21 ~~believes the defendant poses a danger to.~~

22 ~~(2) Only one petition may be filed under this Section.~~

23 ~~(c) Eligibility: All defendants shall be presumed eligible~~
24 ~~for pretrial release, and the State shall bear the burden of~~
25 ~~proving by clear and convincing evidence that: The hearing~~
26 ~~shall be held immediately upon the defendant's appearance~~

1 before the court, unless for good cause shown the defendant or
2 the State seeks a continuance. A continuance on motion of the
3 defendant may not exceed 5 calendar days, and a continuance on
4 the motion of the State may not exceed 3 calendar days. The
5 defendant may be held in custody during such continuance.

6 (b) The court may deny bail to the defendant where, after
7 the hearing, it is determined that:

8 (1) the proof is evident or the presumption great that
9 the defendant has committed an offense ~~listed in~~
10 ~~paragraphs (1) through (6) of subsection (a)~~ for which a
11 sentence of imprisonment, without probation, periodic
12 imprisonment or conditional discharge, must be imposed by
13 law as a consequence of conviction, and

14 (2) the defendant poses a real and present threat to
15 the physical safety of ~~a specific, identifiable~~ any person
16 or persons, by conduct which may include, but is not
17 limited to, a forcible felony, the obstruction of justice,
18 intimidation, injury, ~~or abuse as defined by paragraph (1)~~
19 ~~of Section 103 of the Illinois Domestic Violence Act of~~
20 ~~1986~~ physical harm, an offense under the Illinois
21 Controlled Substances Act which is a Class X felony, or an
22 offense under the Methamphetamine Control and Community
23 Protection Act which is a Class X felony, and

24 (3) the court finds that no condition or combination
25 of conditions set forth in subsection (b) of Section
26 110-10 of this Article ~~can mitigate the real and present~~

1 ~~threat to the safety of any~~ , can reasonably assure the
2 physical safety of any other person or persons ~~or the~~
3 ~~defendant's willful flight.~~

4 (b-5) The court shall deny bail only to a defendant
5 charged with a Class X felony, a Class 1 felony, or a crime of
6 violence as defined in Section 2 of the Crime Victims
7 Compensation Act.

8 (b-6) The court may order the pretrial detention of a
9 defendant only upon clear and convincing evidence as shown
10 through relevant facts and circumstances that:

11 (1) the person poses an unmanageable level of risk to
12 commit or attempt to commit an offense, while on pretrial
13 release against a reasonably identifiable person or groups
14 of persons; and

15 (2) that no condition or combination of conditions
16 will reasonably assure public safety or manage the
17 person's unmanageable level of risk.

18 ~~(f)~~ (c) Conduct of the hearings.

19 ~~(1) Prior to the hearing the State shall tender to the~~
20 ~~defendant copies of defendant's criminal history~~
21 ~~available, any written or recorded statements, and the~~
22 ~~substance of any oral statements made by any person, if~~
23 ~~relied upon by the State in its petition, and any police~~
24 ~~reports in the State's Attorney's possession at the time~~
25 ~~of the hearing that are required to be disclosed to the~~
26 ~~defense under Illinois Supreme Court rules. The hearing on~~

1 the defendant's culpability and dangerousness shall be
2 conducted in accordance with the following provisions:

3 ~~(2) The State or defendant may present evidence at the~~
4 ~~hearing~~ (A) Information used by the court in its findings
5 or stated in or offered at such hearing may be by way of
6 proffer based upon reliable information offered by the
7 State or by defendant.

8 ~~(3) The defendant~~ Defendant has the right to be
9 represented by counsel, and if he ~~or she~~ is indigent, to
10 have counsel appointed for him ~~or her~~. ~~The defendant.~~
11 Defendant shall have the opportunity to testify, to
12 present witnesses ~~on~~ in his ~~or her~~ own behalf, and to
13 cross-examine ~~any~~ witnesses ~~that~~ if any are called by the
14 State.

15 ~~(4) If the defense seeks to call the complaining~~
16 ~~witness as a witness in its favor, it shall petition the~~
17 ~~court for permission. When the ends of justice so require,~~
18 ~~the court may exercise its discretion and compel the~~
19 ~~appearance of a complaining witness. The court shall state~~
20 ~~on the record reasons for granting a defense request to~~
21 ~~compel the presence of a complaining witness. In making a~~
22 ~~determination under this section, the court shall state on~~
23 ~~the record the reason for granting a defense request to~~
24 ~~compel the presence of a complaining witness, and only~~
25 ~~grant the request if the court finds by clear and~~
26 ~~convincing evidence that the defendant will be materially~~

1 ~~prejudiced if the complaining witness does not appear.~~
2 ~~Cross examination of a complaining witness at the pretrial~~
3 ~~detention hearing for the purpose of impeaching the~~
4 ~~witness' credibility is insufficient reason to compel the~~
5 ~~presence of the witness. In deciding whether to compel the~~
6 ~~appearance of a complaining witness, the court shall be~~
7 ~~considerate of the emotional and physical well being of~~
8 ~~the witness.~~ The pre-trial detention hearing is not to be
9 used for purposes of discovery, and the post arraignment
10 rules of discovery do not apply. The State shall tender to
11 the defendant, prior to the hearing, copies of defendant's
12 criminal history, if any, if available, and any written or
13 recorded statements and the substance of any oral
14 statements made by any person, if relied upon by the State
15 in its petition.

16 ~~(5)~~ The rules concerning the admissibility of evidence
17 in criminal trials do not apply to the presentation and
18 consideration of information at the hearing. At the trial
19 concerning the offense for which the hearing was conducted
20 neither the finding of the court nor any transcript or
21 other record of the hearing shall be admissible in the
22 State's case in chief, but shall be admissible for
23 impeachment, or as provided in Section 115-10.1 of this
24 Code, or in a perjury proceeding.

25 ~~(6)~~ The (B) A motion by the defendant may not move to
26 suppress evidence or to suppress a confession, however,

1 ~~evidence shall not be entertained. Evidence~~ that proof ~~of~~
2 ~~the charged crime~~ may have been obtained as the result of
3 an unlawful search ~~or~~ and seizure, ~~or both,~~ or through
4 improper interrogation, ~~is not~~ relevant ~~in assessing the~~
5 ~~weight of the evidence against the defendant~~ to this state
6 of the prosecution.

7 ~~(7) Decisions regarding release, conditions of release~~
8 ~~and detention prior trial should be individualized, and no~~
9 ~~single factor or standard should be used exclusively to~~
10 ~~make a condition or detention decision.~~

11 (2) The facts relied upon by the court to support a
12 finding that the defendant poses a real and present threat
13 to the physical safety of any person or persons shall be
14 supported by clear and convincing evidence presented by
15 the State.

16 ~~(g)~~ (d) Factors to be considered in making a determination
17 of dangerousness. The court may, in determining whether the
18 defendant poses a ~~specific, imminent~~ real and present threat
19 ~~of serious~~ to the physical harm ~~to an identifiable~~ safety of
20 any person or persons, consider but shall not be limited to
21 evidence or testimony concerning:

22 (1) The nature and circumstances of any offense
23 charged, including whether the offense is a crime of
24 violence, involving a weapon, ~~or a sex offense.~~

25 (2) The history and characteristics of the defendant
26 including:

1 (A) Any evidence of the defendant's prior criminal
2 history indicative of violent, abusive or assaultive
3 behavior, or lack of such behavior. Such evidence may
4 include testimony or documents received in juvenile
5 proceedings, criminal, quasi-criminal, civil
6 commitment, domestic relations or other proceedings.

7 (B) Any evidence of the defendant's psychological,
8 psychiatric or other similar social history which
9 tends to indicate a violent, abusive, or assaultive
10 nature, or lack of any such history.

11 (3) The identity of any person or persons to whose
12 safety the defendant is believed to pose a threat, and the
13 nature of the threat;

14 (4) Any statements made by, or attributed to the
15 defendant, together with the circumstances surrounding
16 them;

17 (5) The age and physical condition of any person
18 assaulted by the defendant;

19 ~~(6) The age and physical condition of any victim or~~
20 ~~complaining witness;~~

21 ~~(7)~~ Whether the defendant is known to possess or have
22 access to any weapon or weapons;

23 ~~(8)~~ (7) Whether, at the time of the current offense or
24 any other offense or arrest, the defendant was on
25 probation, parole, aftercare release, mandatory supervised
26 release or other release from custody pending trial,

1 sentencing, appeal or completion of sentence for an
2 offense under federal or state law;

3 ~~(9)~~ (8) Any other factors, including those listed in
4 Section 110-5 of this Article deemed by the court to have a
5 reasonable bearing upon the defendant's propensity or
6 reputation for violent, abusive or assaultive behavior, or
7 lack of such behavior.

8 ~~(h)~~ (e) Detention order. The court shall, in any order for
9 detention:

10 (1) briefly summarize the evidence of the defendant's
11 ~~guilt or innocence,~~ culpability and ~~the court's~~ its
12 reasons for concluding that the defendant should be ~~denied~~
13 ~~pretrial release~~ held without bail;

14 (2) direct that the defendant be committed to the
15 custody of the sheriff for confinement in the county jail
16 pending trial;

17 (3) direct that the defendant be given a reasonable
18 opportunity for private consultation with counsel, and for
19 communication with others of his ~~or her~~ choice by
20 visitation, mail and telephone; and

21 (4) direct that the sheriff deliver the defendant as
22 required for appearances in connection with court
23 proceedings.

24 ~~(i) Detention.~~ (f) If the court enters an order for the
25 detention of the defendant pursuant to subsection (e) of this
26 Section, the defendant shall be brought to trial on the

1 offense for which he is detained within 90 days after the date
2 on which the order for detention was entered. If the defendant
3 is not brought to trial within the 90 day period required by
4 the preceding sentence, he shall not be ~~denied pretrial~~
5 ~~release~~ held longer without bail. In computing the 90 day
6 period, the court shall omit any period of delay resulting
7 from a continuance granted at the request of the defendant.

8 ~~(j)~~ (g) Rights of the defendant. Any person shall be
9 entitled to appeal any order entered under this Section
10 denying ~~pretrial release~~ bail to the defendant.

11 ~~(k) Appeal.~~ (h) The State may appeal any order entered
12 under this Section denying any motion for denial of ~~pretrial~~
13 ~~release~~ bail.

14 ~~(l) Presumption of innocence.~~ (i) Nothing in this Section
15 shall be construed as modifying or limiting in any way the
16 defendant's presumption of innocence in further criminal
17 proceedings.

18 (j) ~~(m)~~ Victim notice.

19 (1) Crime Victims shall be given notice by the State's
20 Attorney's office of this hearing as required in paragraph
21 (1) of subsection (b) of Section 4.5 of the Rights of Crime
22 Victims and Witnesses Act and shall be informed of their
23 opportunity at this hearing to obtain an order of
24 protection under Article 112A of this Code.

25 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

1 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

2 Sec. 110-6.2. Post-conviction Detention.

3 (a) The court may order that a person who has been found
4 guilty of an offense and who is waiting imposition or
5 execution of sentence be held without ~~release~~ bond unless the
6 court finds by clear and convincing evidence that the person
7 is not likely to flee or pose a danger to any other person or
8 the community if released under Sections 110-5 and 110-10 of
9 this Act.

10 (b) The court may order that person who has been found
11 guilty of an offense and sentenced to a term of imprisonment be
12 held without ~~release~~ bond unless the court finds by clear and
13 convincing evidence that:

14 (1) the person is not likely to flee or pose a danger
15 to the safety of any other person or the community if
16 released on bond pending appeal; and

17 (2) that the appeal is not for purpose of delay and
18 raises a substantial question of law or fact likely to
19 result in reversal or an order for a new trial.

20 (Source: P.A. 96-1200, eff. 7-22-10; 101-652.)

21 (725 ILCS 5/110-6.4)

22 Sec. 110-6.4. Statewide risk-assessment tool.

23 (a) In the interest of providing a state-specific tool to
24 be utilized in bail hearings, the Administrative Office of the
25 Illinois Courts shall develop a pretrial risk assessment

1 instrument based on research of the local defendant population
2 utilizing a comprehensive and robust source of statewide data
3 with the ability to differentiate as follows:

4 (1) Risk of failure to appear.

5 (2) Risk of willful failure to appear.

6 (3) Risk of new criminal offense.

7 (4) Risk of new violent criminal offense.

8 (5) Risk of new domestic violence criminal offense.

9 (b) In the interim of developing a statewide risk
10 assessment instrument, counties may continue to utilize their
11 current pretrial risk assessment instrument. Counties that are
12 not currently using a risk assessment instrument shall adopt,
13 in consultation with the Administrative Office of the Illinois
14 Courts, one of the following validated pretrial risk
15 assessment instruments when determining release and detention
16 decisions:

17 (1) Revised Virginia Pretrial Risk Assessment.

18 (2) Public Safety Assessment (PSA).

19 (3) Ohio Pretrial Risk Assessment.

20 (c) The Administrative Office of the Illinois Courts shall
21 develop a process to evaluate and improve the quality,
22 completeness and availability of data needed and collected to
23 develop and validate a statewide pretrial risk assessment
24 instrument.

25 (d) The Administrative Office of the Illinois Courts shall
26 adopt a mission and vision statement for pretrial supervision.

1 ~~The Supreme Court may establish a statewide~~
2 ~~risk assessment tool to be used in proceedings to assist the~~
3 ~~court in establishing conditions of pretrial release for a~~
4 ~~defendant by assessing the defendant's likelihood of appearing~~
5 ~~at future court proceedings or determining if the defendant~~
6 ~~poses a real and present threat to the physical safety of any~~
7 ~~person or persons. The Supreme Court shall consider~~
8 ~~establishing a risk assessment tool that does not discriminate~~
9 ~~on the basis of race, gender, educational level,~~
10 ~~socio economic status, or neighborhood. If a risk assessment~~
11 ~~tool is utilized within a circuit that does not require a~~
12 ~~personal interview to be completed, the Chief Judge of the~~
13 ~~circuit or the director of the pretrial services agency may~~
14 ~~exempt the requirement under Section 9 and subsection (a) of~~
15 ~~Section 7 of the Pretrial Services Act.~~

16 (e) For the purpose of this Section, "risk-assessment
17 tool" means an empirically validated, evidence-based screening
18 instrument that demonstrates reduced instances of a
19 defendant's failure to appear for further court proceedings or
20 prevents future criminal activity.

21 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;
22 101-652.)

23 (725 ILCS 5/110-7.1 new)

24 Sec. 110-7.1. Deposit of bail security.

25 (a) The person for whom bail has been set shall execute the

1 bail bond and deposit with the clerk of the court before which
2 the proceeding is pending a sum of money equal to 10% of the
3 bail, but in no event shall such deposit be less than \$25. The
4 clerk of the court shall provide a space on each form for a
5 person other than the accused who has provided the money for
6 the posting of bail to so indicate and a space signed by an
7 accused who has executed the bail bond indicating whether a
8 person other than the accused has provided the money for the
9 posting of bail. The form shall also include a written notice
10 to such person who has provided the defendant with the money
11 for the posting of bail indicating that the bail may be used to
12 pay costs, attorney's fees, fines, or other purposes
13 authorized by the court and if the defendant fails to comply
14 with the conditions of the bail bond, the court shall enter an
15 order declaring the bail to be forfeited. The written notice
16 must be:

17 (1) distinguishable from the surrounding text;

18 (2) in bold type or underscored; and

19 (3) in a type size at least 2 points larger than the
20 surrounding type.

21 When a person for whom bail has been set is charged with an
22 offense under the Illinois Controlled Substances Act or the
23 Methamphetamine Control and Community Protection Act which is
24 a Class X felony, or making a terrorist threat in violation of
25 Section 29D-20 of the Criminal Code of 1961 or the Criminal
26 Code of 2012 or an attempt to commit the offense of making a

1 terrorist threat, the court may require the defendant to
2 deposit a sum equal to 100% of the bail. Where any person is
3 charged with a forcible felony while free on bail and is the
4 subject of proceedings under Section 109-3 of this Code the
5 judge conducting the preliminary examination may also conduct
6 a hearing upon the application of the State pursuant to the
7 provisions of Section 110-6 of this Code to increase or revoke
8 the bail for that person's prior alleged offense.

9 (b) Upon depositing this sum and any bond fee authorized
10 by law, the person shall be released from custody subject to
11 the conditions of the bail bond.

12 (c) Once bail has been given and a charge is pending or is
13 thereafter filed in or transferred to a court of competent
14 jurisdiction the latter court shall continue the original bail
15 in that court subject to the provisions of Section 110-6 of
16 this Code.

17 (d) After conviction the court may order that the original
18 bail stand as bail pending appeal or deny, increase or reduce
19 bail subject to the provisions of Section 110-6.2.

20 (e) After the entry of an order by the trial court allowing
21 or denying bail pending appeal either party may apply to the
22 reviewing court having jurisdiction or to a justice thereof
23 sitting in vacation for an order increasing or decreasing the
24 amount of bail or allowing or denying bail pending appeal
25 subject to the provisions of Section 110-6.2.

26 (f) (1) This paragraph (1) applies in cases other than the

1 acquittal of the defendant. When the conditions of the bail
2 bond have been performed and the accused has been discharged
3 from all obligations in the cause the clerk of the court shall
4 return to the accused or to the defendant's designee by an
5 assignment executed at the time the bail amount is deposited,
6 unless the court orders otherwise, 90% of the sum which had
7 been deposited and shall retain as bail bond costs 10% of the
8 amount deposited. Bail bond deposited by or on behalf of a
9 defendant in one case may be used, in the court's discretion,
10 to satisfy financial obligations of that same defendant
11 incurred in a different case due to a fine, court costs,
12 restitution or fees of the defendant's attorney of record. In
13 counties with a population of 3,000,000 or more, the court
14 shall not order bail bond deposited by or on behalf of a
15 defendant in one case to be used to satisfy financial
16 obligations of that same defendant in a different case until
17 the bail bond is first used to satisfy court costs and
18 attorney's fees in the case in which the bail bond has been
19 deposited and any other unpaid child support obligations are
20 satisfied. In counties with a population of less than
21 3,000,000, the court shall not order bail bond deposited by or
22 on behalf of a defendant in one case to be used to satisfy
23 financial obligations of that same defendant in a different
24 case until the bail bond is first used to satisfy court costs
25 in the case in which the bail bond has been deposited. At the
26 request of the defendant the court may order such 90% of

1 defendant's bail deposit, or whatever amount is repayable to
2 defendant from such deposit, to be paid to defendant's
3 attorney of record.

4 (2) This paragraph (2) applies in cases of the acquittal
5 of the defendant. If the defendant is acquitted, the court
6 shall order 100% of the defendant's bail deposit returned to
7 the defendant or to the defendant's designee by an
8 assignment executed at the time the bail amount is deposited.

9 (g) If the accused does not comply with the conditions of
10 the bail bond the court having jurisdiction shall enter an
11 order declaring the bail to be forfeited. Notice of such order
12 of forfeiture shall be mailed forthwith to the accused at his
13 last known address. If the accused does not appear and
14 surrender to the court having jurisdiction within 30 days from
15 the date of the forfeiture or within such period satisfy the
16 court that appearance and surrender by the accused is
17 impossible and without his fault the court shall enter
18 judgment for the State if the charge for which the bond was
19 given was a felony or misdemeanor, or if the charge was
20 quasi-criminal or traffic, judgment for the political
21 subdivision of the State which prosecuted the case, against
22 the accused for the amount of the bail and costs of the court
23 proceedings; however, in counties with a population of less
24 than 3,000,000, instead of the court entering a judgment for
25 the full amount of the bond the court may, in its discretion,
26 enter judgment for the cash deposit on the bond, less costs,

1 retain the deposit for further disposition or, if a cash bond
2 was posted for failure to appear in a matter involving
3 enforcement of child support or maintenance, the amount of the
4 cash deposit on the bond, less outstanding costs, may be
5 awarded to the person or entity to whom the child support or
6 maintenance is due. The deposit made in accordance with
7 paragraph (a) shall be applied to the payment of costs. If
8 judgment is entered and any amount of such deposit remains
9 after the payment of costs it shall be applied to payment of
10 the judgment and transferred to the treasury of the municipal
11 corporation wherein the bond was taken if the offense was a
12 violation of any penal ordinance of a political subdivision of
13 this State, or to the treasury of the county wherein the bond
14 was taken if the offense was a violation of any penal statute
15 of this State. The balance of the judgment may be enforced and
16 collected in the same manner as a judgment entered in a civil
17 action.

18 (h) After a judgment for a fine and court costs or either
19 is entered in the prosecution of a cause in which a deposit had
20 been made in accordance with paragraph (a) the balance of such
21 deposit, after deduction of bail bond costs, shall be applied
22 to the payment of the judgment.

23 (i) When a court appearance is required for an alleged
24 violation of the Criminal Code of 1961, the Criminal Code of
25 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
26 and Aquatic Life Code, the Child Passenger Protection Act, or

1 a comparable offense of a unit of local government as
2 specified in Supreme Court Rule 551, and if the accused does
3 not appear in court on the date set for appearance or any date
4 to which the case may be continued and the court issues an
5 arrest warrant for the accused, based upon his or her failure
6 to appear when having so previously been ordered to appear by
7 the court, the accused upon his or her admission to bail shall
8 be assessed by the court a fee of \$75. Payment of the fee shall
9 be a condition of release unless otherwise ordered by the
10 court. The fee shall be in addition to any bail that the
11 accused is required to deposit for the offense for which the
12 accused has been charged and may not be used for the payment of
13 court costs or fines assessed for the offense. The clerk of the
14 court shall remit \$70 of the fee assessed to the arresting
15 agency who brings the offender in on the arrest warrant. If the
16 Illinois State Police is the arresting agency, \$70 of the fee
17 assessed shall be remitted by the clerk of the court to the
18 State Treasurer within one month after receipt for deposit
19 into the State Police Operations Assistance Fund. The clerk of
20 the court shall remit \$5 of the fee assessed to the Circuit
21 Court Clerk Operation and Administrative Fund as provided in
22 Section 27.3d of the Clerks of Courts Act.

23 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

24 Sec. 110-10. Conditions of ~~pretrial release~~ bail bond.

25 (a) Conditions of the bail bond shall be based on the least

1 restrictive means and focus only on requirements directly
2 related to reasonably assuring community safety and a
3 defendant's appearance as required in court. If a person is
4 released prior to conviction, either upon payment of bail
5 security or on his or her own recognizance, the conditions of
6 ~~pretrial release~~ the bail bond shall be that he or she will:

7 (1) Appear to answer the charge in the court having
8 jurisdiction on a day certain and thereafter as ordered by
9 the court until discharged or final order of the court;

10 (2) Submit himself or herself to the orders and
11 process of the court;

12 (3) ~~(Blank);~~ Not depart this State without leave of
13 the court;

14 (4) Not violate any criminal statute of any
15 jurisdiction;

16 (5) At a time and place designated by the court,
17 surrender all firearms in his or her possession to a law
18 enforcement officer designated by the court to take
19 custody of and impound the firearms and physically
20 surrender his or her Firearm Owner's Identification Card
21 to the clerk of the circuit court when the offense the
22 person has been charged with is a forcible felony,
23 stalking, aggravated stalking, domestic battery, any
24 violation of the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or
26 the Cannabis Control Act that is classified as a Class 2 or

1 greater felony, or any felony violation of Article 24 of
2 the Criminal Code of 1961 or the Criminal Code of 2012; the
3 court may, however, forgo the imposition of this condition
4 when the circumstances of the case clearly do not warrant
5 it or when its imposition would be impractical; if the
6 Firearm Owner's Identification Card is confiscated, the
7 clerk of the circuit court shall mail the confiscated card
8 to the Illinois State Police; all legally possessed
9 firearms shall be returned to the person upon the charges
10 being dismissed, or if the person is found not guilty,
11 unless the finding of not guilty is by reason of insanity;
12 and

13 (6) At a time and place designated by the court,
14 submit to a psychological evaluation when the person has
15 been charged with a violation of item (4) of subsection
16 (a) of Section 24-1 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 and that violation occurred in a
18 school or in any conveyance owned, leased, or contracted
19 by a school to transport students to or from school or a
20 school-related activity, or on any public way within 1,000
21 feet of real property comprising any school.

22 Psychological evaluations ordered pursuant to this Section
23 shall be completed promptly and made available to the State,
24 the defendant, and the court. As a further condition of
25 ~~pretrial release~~ bail under these circumstances, the court
26 shall order the defendant to refrain from entering upon the

1 property of the school, including any conveyance owned,
2 leased, or contracted by a school to transport students to or
3 from school or a school-related activity, or on any public way
4 within 1,000 feet of real property comprising any school. Upon
5 receipt of the psychological evaluation, either the State or
6 the defendant may request a change in the conditions of
7 ~~pretrial release~~ bail, pursuant to Section 110-6 of this Code.
8 The court may change the conditions of ~~pretrial release~~ bail
9 to include a requirement that the defendant follow the
10 recommendations of the psychological evaluation, including
11 undergoing psychiatric treatment. The conclusions of the
12 psychological evaluation and any statements elicited from the
13 defendant during its administration are not admissible as
14 evidence of guilt during the course of any trial on the charged
15 offense, unless the defendant places his or her mental
16 competency in issue.

17 (b) The court may impose other conditions, such as the
18 following, if the court finds that such conditions are
19 reasonably necessary to assure the defendant's appearance in
20 court, protect the public from the defendant, or prevent the
21 defendant's unlawful interference with the orderly
22 administration of justice:

23 ~~(0.05) Not depart this State without leave of the~~
24 ~~court;~~

25 (1) Report to or appear in person before such person
26 or agency as the court may direct;

1 (2) Refrain from possessing a firearm or other
2 dangerous weapon;

3 (3) Refrain from approaching or communicating with
4 particular persons or classes of persons;

5 (4) Refrain from going to certain described
6 geographical areas or premises;

7 (5) Refrain from engaging in certain activities or
8 indulging in intoxicating liquors or in certain drugs;

9 (6) Undergo treatment for drug addiction or
10 alcoholism;

11 (7) Undergo medical or psychiatric treatment;

12 (8) Work or pursue a course of study or vocational
13 training;

14 (9) Attend or reside in a facility designated by the
15 court;

16 (10) Support his or her dependents;

17 (11) If a minor resides with his or her parents or in a
18 foster home, attend school, attend a non-residential
19 program for youths, and contribute to his or her own
20 support at home or in a foster home;

21 (12) Observe any curfew ordered by the court;

22 (13) Remain in the custody of such designated person
23 or organization agreeing to supervise his release. Such
24 third party custodian shall be responsible for notifying
25 the court if the defendant fails to observe the conditions
26 of release which the custodian has agreed to monitor, and

1 shall be subject to contempt of court for failure so to
2 notify the court;

3 (14) Be placed under direct supervision of the
4 Pretrial Services Agency, Probation Department or Court
5 Services Department in a pretrial bond home supervision
6 capacity with or without the use of an approved electronic
7 monitoring device subject to Article 8A of Chapter V of
8 the Unified Code of Corrections;

9 (14.1) The court ~~may~~ shall impose upon a defendant who
10 is charged with any alcohol, cannabis, methamphetamine, or
11 controlled substance violation and is placed under direct
12 supervision of the Pretrial Services Agency, Probation
13 Department or Court Services Department in a pretrial bond
14 home supervision capacity with the use of an approved
15 monitoring device, as a condition of such ~~pretrial~~
16 ~~monitoring~~ bail bond, a fee that represents costs
17 incidental to the electronic monitoring for each day of
18 such ~~pretrial~~ bail supervision ordered by the court,
19 unless after determining the inability of the defendant to
20 pay the fee, the court assesses a lesser fee or no fee as
21 the case may be. The fee shall be collected by the clerk of
22 the circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The clerk of
24 the circuit court shall pay all monies collected from this
25 fee to the county treasurer for deposit in the substance
26 abuse services fund under Section 5-1086.1 of the Counties

1 Code, except as provided in an administrative order of the
2 Chief Judge of the circuit court.

3 The Chief Judge of the circuit court of the county may
4 by administrative order establish a program for electronic
5 monitoring of offenders with regard to drug-related and
6 alcohol-related offenses, in which a vendor supplies and
7 monitors the operation of the electronic monitoring
8 device, and collects the fees on behalf of the county. The
9 program shall include provisions for indigent offenders
10 and the collection of unpaid fees. The program shall not
11 unduly burden the offender and shall be subject to review
12 by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device;

16 (14.2) The court ~~may~~ shall impose upon all defendants,
17 including those defendants subject to paragraph (14.1)
18 above, placed under direct supervision of the Pretrial
19 Services Agency, Probation Department or Court Services
20 Department in a pretrial bond home supervision capacity
21 with the use of an approved monitoring device, as a
22 condition of such ~~release~~ bail bond, a fee which shall
23 represent costs incidental to such electronic monitoring
24 for each day of such bail supervision ordered by the
25 court, unless after determining the inability of the
26 defendant to pay the fee, the court assesses a lesser fee

1 or no fee as the case may be. The fee shall be collected by
2 the clerk of the circuit court, except as provided in an
3 administrative order of the Chief Judge of the circuit
4 court. The clerk of the circuit court shall pay all monies
5 collected from this fee to the county treasurer who shall
6 use the monies collected to defray the costs of
7 corrections. The county treasurer shall deposit the fee
8 collected in the county working cash fund under Section
9 6-27001 or Section 6-29002 of the Counties Code, as the
10 case may be, except as provided in an administrative order
11 of the Chief Judge of the circuit court.

12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders with regard to drug-related and
15 alcohol-related offenses, in which a vendor supplies and
16 monitors the operation of the electronic monitoring
17 device, and collects the fees on behalf of the county. The
18 program shall include provisions for indigent offenders
19 and the collection of unpaid fees. The program shall not
20 unduly burden the offender and shall be subject to review
21 by the Chief Judge.

22 The Chief Judge of the circuit court may suspend any
23 additional charges or fees for late payment, interest, or
24 damage to any device;

25 (14.3) The Chief Judge of the Judicial Circuit may
26 establish reasonable fees to be paid by a person receiving

1 pretrial services while under supervision of a pretrial
2 services agency, probation department, or court services
3 department. Reasonable fees may be charged for pretrial
4 services including, but not limited to, pretrial
5 supervision, diversion programs, electronic monitoring,
6 victim impact services, drug and alcohol testing, DNA
7 testing, GPS electronic monitoring, assessments and
8 evaluations related to domestic violence and other
9 victims, and victim mediation services. The person
10 receiving pretrial services may be ordered to pay all
11 costs incidental to pretrial services in accordance with
12 his or her ability to pay those costs;

13 (14.4) For persons charged with violating Section
14 11-501 of the Illinois Vehicle Code, refrain from
15 operating a motor vehicle not equipped with an ignition
16 interlock device, as defined in Section 1-129.1 of the
17 Illinois Vehicle Code, pursuant to the rules promulgated
18 by the Secretary of State for the installation of ignition
19 interlock devices. Under this condition the court may
20 allow a defendant who is not self-employed to operate a
21 vehicle owned by the defendant's employer that is not
22 equipped with an ignition interlock device in the course
23 and scope of the defendant's employment;

24 (15) Comply with the terms and conditions of an order
25 of protection issued by the court under the Illinois
26 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory;

3 (16) (Blank); and

4 (17) Such other reasonable conditions as the court may
5 impose.

6 (b-5) Conditions of bail bond shall not mandate
7 rehabilitative services, such as substance abuse, mental
8 health, or partner abuse intervention programs, unless the
9 court finds them to be a risk factor directly related to
10 further criminal behavior and failure to appear at court
11 hearings. The inability to pay for such court-ordered services
12 shall not affect the defendant's release on bail bond. The
13 conditions of the bail bond shall not include punitive
14 measures of community service or restitution.

15 (b-6) If a defendant is released on bail or his or her own
16 recognizance, pretrial services agencies shall meet with the
17 defendant to review the court-ordered conditions, establish
18 expectations during pretrial supervision, answer questions,
19 and review future court appointments. Pretrial services
20 agencies shall monitor and maintain records of defendants'
21 compliance with conditions of release.

22 (b-7) Office visits to pretrial services agencies shall be
23 purposeful and used only to promote pretrial success. Office
24 visits shall not interfere with defendant protective factors,
25 such as work and school.

26 (b-8) Court ordered conditions of release shall be

1 individualized in accordance with the defendant's identified
2 level of risk to reasonably assure public safety and guard
3 against non-court appearance during the pretrial phase of the
4 case.

5 (b-9) Conditions of bail bond requiring the defendant to
6 be placed on electronic home monitoring or to undergo drug
7 counseling are appropriate when used in accordance with
8 national best practices as detailed in the Pretrial
9 Supervision Standards of the Illinois Supreme Court.

10 (c) When a person is charged with an offense under Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
12 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, involving a victim who is a minor under
14 18 years of age living in the same household with the defendant
15 at the time of the offense, in granting bail or releasing the
16 defendant on his own recognizance, the judge shall impose
17 conditions to restrict the defendant's access to the victim
18 which may include, but are not limited to conditions that he
19 will:

20 1. Vacate the household.

21 2. Make payment of temporary support to his
22 dependents.

23 3. Refrain from contact or communication with the
24 child victim, except as ordered by the court.

25 (d) When a person is charged with a criminal offense and
26 the victim is a family or household member as defined in

1 Article 112A, conditions shall be imposed at the time of the
2 defendant's release on bond that restrict the defendant's
3 access to the victim. Unless provided otherwise by the court,
4 the restrictions shall include requirements that the defendant
5 do the following:

6 (1) refrain from contact or communication with the
7 victim for a minimum period of 72 hours following the
8 defendant's release; ~~and~~

9 (2) refrain from entering or remaining at the victim's
10 residence for a minimum period of 72 hours following the
11 defendant's release; and

12 (3) based upon risk as determined by the court, be
13 placed on electronic home monitoring as provided in
14 Section 5-8A-7 of the Unified Code of Corrections.

15 (e) Local law enforcement agencies shall develop
16 standardized ~~pretrial release~~ bond forms for use in cases
17 involving family or household members as defined in Article
18 112A, including specific conditions of ~~pretrial release~~ bond
19 as provided in subsection (d). Failure of any law enforcement
20 department to develop or use those forms shall in no way limit
21 the applicability and enforcement of subsections (d) and (f).

22 (f) If the defendant is ~~released~~ admitted to bail after
23 conviction ~~following appeal or other post-conviction~~
24 ~~proceeding,~~ the conditions of the ~~pretrial release~~ bail bond
25 shall be that he will, in addition to the conditions set forth
26 in subsections (a) and (b) hereof:

- 1 (1) Duly prosecute his appeal;
- 2 (2) Appear at such time and place as the court may
3 direct;
- 4 (3) Not depart this State without leave of the court;
- 5 (4) Comply with such other reasonable conditions as
6 the court may impose; and
- 7 (5) If the judgment is affirmed or the cause reversed
8 and remanded for a new trial, forthwith surrender to the
9 officer from whose custody he was ~~released~~ bailed.

10 (g) Upon a finding of guilty for any felony offense, the
11 defendant shall physically surrender, at a time and place
12 designated by the court, any and all firearms in his or her
13 possession and his or her Firearm Owner's Identification Card
14 as a condition of ~~being released~~ remaining on bond pending
15 sentencing.

16 (h) In the event the defendant is ~~denied pretrial release~~
17 unable to post bond, the court may impose a no contact
18 provision with the victim or other interested party that shall
19 be enforced while the defendant remains in custody.

20 (i) If a defendant is on pretrial release, in order to
21 detain the defendant in response to noncompliance with bail
22 conditions, willful failures to appear or rearrests, the court
23 must find probable cause that a defendant on pretrial release
24 for any jailable offense has committed a new jailable offense
25 or failed to appear for court to avoid prosecution. The Court
26 must find by clear and convincing evidence as shown through

1 relevant facts and circumstances that the defendant poses
2 either a high risk to commit or attempt to commit any new
3 jailable offense against a person or persons or their property
4 or to willfully fail to appear for court to avoid prosecution.
5 The Court must find by clear and convincing evidence that no
6 condition or combination of conditions will suffice to manage
7 the defendant's high level of risk. The State must file a
8 written petition for detention and provide notice to the
9 defendant and the defendant's counsel. The petition shall
10 identify the eligible charged offense or offenses and list all
11 relevant facts and circumstances upon which the prosecution
12 intends to rely in seeking detention. In considering the facts
13 and circumstances to detain persons under this subsection, the
14 court may rely substantially on the assessed risk from an
15 actuarial pretrial risk assessment instrument. The court may
16 not impose a condition of release that results in the pretrial
17 detention of the defendant. However, the defendant's willful
18 refusal to agree to lawful conditions of release may result in
19 the detention of that defendant. The court shall issue a
20 written order detailing the detention or restrictive
21 conditions of release and the factors upon which the court
22 relied to order the detention or restrictive conditions of
23 release. If detention is ordered, the court must further
24 detail the reasons why less restrictive conditions of release
25 would be insufficient to protect the public or ensure that the
26 defendant returns to court. No single offense or aggravating

1 factor should mandate a denial of bail.

2 (j) Each circuit, in consultation with the Administrative
3 Office of the Illinois Courts, shall develop and approve a
4 local process to promptly notify the court of facts concerning
5 compliance or noncompliance that may warrant modification of
6 release conditions and of any arrest of an individual released
7 pending further court appearances.

8 (Source: P.A. 101-138, eff. 1-1-20; 101-652.)

9 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

10 Sec. 110-11. ~~Pretrial release~~ Bail on a new trial. If the
11 judgment of conviction is reversed and the cause remanded for
12 a new trial the trial court may order that the ~~conditions of~~
13 ~~pretrial release~~ bail stand pending such trial, or ~~modify the~~
14 ~~conditions of pretrial release~~ reduce or increase bail.

15 (Source: Laws 1963, p. 2836; P.A. 101-652.)

16 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

17 Sec. 110-12. Notice of change of address.

18 A defendant who has been admitted to ~~pretrial release~~ bail
19 shall file a written notice with the clerk of the court before
20 which the proceeding is pending of any change in his or her
21 address within 24 hours after such change, except that a
22 defendant who has been admitted to ~~pretrial release~~ bail for a
23 forcible felony as defined in Section 2-8 of the Criminal Code
24 of 2012 shall file a written notice with the clerk of the court

1 before which the proceeding is pending and the clerk shall
2 immediately deliver a time stamped copy of the written notice
3 to the State's Attorney charged with the prosecution within 24
4 hours prior to such change. The address of a defendant who has
5 been admitted to ~~pretrial release~~ bail shall at all times
6 remain a matter of public record with the clerk of the court.

7 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

8 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

9 Sec. 111-2. Commencement of prosecutions.

10 (a) All prosecutions of felonies shall be by information
11 or by indictment. No prosecution may be pursued by information
12 unless a preliminary hearing has been held or waived in
13 accordance with Section 109-3 and at that hearing probable
14 cause to believe the defendant committed an offense was found,
15 and the provisions of Section 109-3.1 of this Code have been
16 complied with.

17 (b) All other prosecutions may be by indictment,
18 information or complaint.

19 (c) Upon the filing of an information or indictment in
20 open court charging the defendant with the commission of a sex
21 offense defined in any Section of Article 11 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, and a minor as
23 defined in Section 1-3 of the Juvenile Court Act of 1987 is
24 alleged to be the victim of the commission of the acts of the
25 defendant in the commission of such offense, the court may

1 appoint a guardian ad litem for the minor as provided in
2 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
3 1987.

4 (d) Upon the filing of an information or indictment in
5 open court, the court shall immediately issue a warrant for
6 the arrest of each person charged with an offense directed to a
7 peace officer or some other person specifically named
8 commanding him to arrest such person.

9 (e) When the offense is ~~eligible for pretrial release~~
10 bailable, the judge shall endorse on the warrant the
11 ~~conditions of pretrial release~~ amount of bail required by the
12 order of the court, and if the court orders the process
13 returnable forthwith, the warrant shall require that the
14 accused be arrested and brought immediately into court.

15 (f) Where the prosecution of a felony is by information or
16 complaint after preliminary hearing, or after a waiver of
17 preliminary hearing in accordance with paragraph (a) of this
18 Section, such prosecution may be for all offenses, arising
19 from the same transaction or conduct of a defendant even
20 though the complaint or complaints filed at the preliminary
21 hearing charged only one or some of the offenses arising from
22 that transaction or conduct.

23 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

24 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

25 Sec. 112A-23. Enforcement of protective orders.

1 (a) When violation is crime. A violation of any protective
2 order, whether issued in a civil, quasi-criminal proceeding,
3 shall be enforced by a criminal court when:

4 (1) The respondent commits the crime of violation of a
5 domestic violence order of protection pursuant to Section
6 12-3.4 or 12-30 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, by having knowingly violated:

8 (i) remedies described in paragraph ~~paragraphs~~
9 (1), (2), (3), (14), or (14.5) of subsection (b) of
10 Section 112A-14 of this Code,

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraph ~~paragraphs~~
13 (1), (2), (3), (14), or (14.5) of subsection (b) of
14 Section 214 of the Illinois Domestic Violence Act of
15 1986, in a valid order of protection, which is
16 authorized under the laws of another state, tribe, or
17 United States territory, ~~or~~

18 (iii) or any other remedy when the act constitutes
19 a crime against the protected parties as defined by
20 the Criminal Code of 1961 or the Criminal Code of 2012.

21 Prosecution for a violation of a domestic violence
22 order of protection shall not bar concurrent prosecution
23 for any other crime, including any crime that may have
24 been committed at the time of the violation of the
25 domestic violence order of protection; or

26 (2) The respondent commits the crime of child

1 abduction pursuant to Section 10-5 of the Criminal Code of
2 1961 or the Criminal Code of 2012, by having knowingly
3 violated:

4 (i) remedies described in paragraph ~~paragraphs~~
5 (5), (6), or (8) of subsection (b) of Section 112A-14
6 of this Code, or

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraph ~~paragraphs~~
9 (1), (5), (6), or (8) of subsection (b) of Section 214
10 of the Illinois Domestic Violence Act of 1986, in a
11 valid domestic violence order of protection, which is
12 authorized under the laws of another state, tribe, or
13 United States territory.

14 (3) The respondent commits the crime of violation of a
15 civil no contact order when the respondent violates
16 Section 12-3.8 of the Criminal Code of 2012. Prosecution
17 for a violation of a civil no contact order shall not bar
18 concurrent prosecution for any other crime, including any
19 crime that may have been committed at the time of the
20 violation of the civil no contact order.

21 (4) The respondent commits the crime of violation of a
22 stalking no contact order when the respondent violates
23 Section 12-3.9 of the Criminal Code of 2012. Prosecution
24 for a violation of a stalking no contact order shall not
25 bar concurrent prosecution for any other crime, including
26 any crime that may have been committed at the time of the

1 violation of the stalking no contact order.

2 (b) When violation is contempt of court. A violation of
3 any valid protective order, whether issued in a civil or
4 criminal proceeding, may be enforced through civil or criminal
5 contempt procedures, as appropriate, by any court with
6 jurisdiction, regardless where the act or acts which violated
7 the protective order were committed, to the extent consistent
8 with the venue provisions of this Article. Nothing in this
9 Article shall preclude any Illinois court from enforcing any
10 valid protective order issued in another state. Illinois
11 courts may enforce protective orders through both criminal
12 prosecution and contempt proceedings, unless the action which
13 is second in time is barred by collateral estoppel or the
14 constitutional prohibition against double jeopardy.

15 (1) In a contempt proceeding where the petition for a
16 rule to show cause sets forth facts evidencing an
17 immediate danger that the respondent will flee the
18 jurisdiction, conceal a child, or inflict physical abuse
19 on the petitioner or minor children or on dependent adults
20 in petitioner's care, the court may order the attachment
21 of the respondent without prior service of the rule to
22 show cause or the petition for a rule to show cause. Bond
23 shall be set unless specifically denied in writing.

24 (2) A petition for a rule to show cause for violation
25 of a protective order shall be treated as an expedited
26 proceeding.

1 (c) Violation of custody, allocation of parental
2 responsibility, or support orders. A violation of remedies
3 described in paragraph ~~paragraphs~~ (5), (6), (8), or (9) of
4 subsection (b) of Section 112A-14 of this Code may be enforced
5 by any remedy provided by Section 607.5 of the Illinois
6 Marriage and Dissolution of Marriage Act. The court may
7 enforce any order for support issued under paragraph (12) of
8 subsection (b) of Section 112A-14 of this Code in the manner
9 provided for under Parts V and VII of the Illinois Marriage and
10 Dissolution of Marriage Act.

11 (d) Actual knowledge. A protective order may be enforced
12 pursuant to this Section if the respondent violates the order
13 after the respondent has actual knowledge of its contents as
14 shown through one of the following means:

15 (1) (Blank).

16 (2) (Blank).

17 (3) By service of a protective order under subsection
18 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

19 (4) By other means demonstrating actual knowledge of
20 the contents of the order.

21 (e) The enforcement of a protective order in civil or
22 criminal court shall not be affected by either of the
23 following:

24 (1) The existence of a separate, correlative order
25 entered under Section 112A-15 of this Code.

26 (2) Any finding or order entered in a conjoined

1 criminal proceeding.

2 (e-5) If a civil no contact order entered under subsection
3 (6) of Section 112A-20 of the Code of Criminal Procedure of
4 1963 conflicts with an order issued pursuant to the Juvenile
5 Court Act of 1987 or the Illinois Marriage and Dissolution of
6 Marriage Act, the conflicting order issued under subsection
7 (6) of Section 112A-20 of the Code of Criminal Procedure of
8 1963 shall be void.

9 (f) Circumstances. The court, when determining whether or
10 not a violation of a protective order has occurred, shall not
11 require physical manifestations of abuse on the person of the
12 victim.

13 (g) Penalties.

14 (1) Except as provided in paragraph (3) of this
15 subsection (g), where the court finds the commission of a
16 crime or contempt of court under subsection ~~subsections~~
17 (a) or (b) of this Section, the penalty shall be the
18 penalty that generally applies in such criminal or
19 contempt proceedings, and may include one or more of the
20 following: incarceration, payment of restitution, a fine,
21 payment of attorneys' fees and costs, or community
22 service.

23 (2) The court shall hear and take into account
24 evidence of any factors in aggravation or mitigation
25 before deciding an appropriate penalty under paragraph (1)
26 of this subsection (g).

1 (3) To the extent permitted by law, the court is
2 encouraged to:

3 (i) increase the penalty for the knowing violation
4 of any protective order over any penalty previously
5 imposed by any court for respondent's violation of any
6 protective order or penal statute involving petitioner
7 as victim and respondent as defendant;

8 (ii) impose a minimum penalty of 24 hours
9 imprisonment for respondent's first violation of any
10 protective order; and

11 (iii) impose a minimum penalty of 48 hours
12 imprisonment for respondent's second or subsequent
13 violation of a protective order

14 unless the court explicitly finds that an increased
15 penalty or that period of imprisonment would be manifestly
16 unjust.

17 (4) In addition to any other penalties imposed for a
18 violation of a protective order, a criminal court may
19 consider evidence of any violations of a protective order:

20 (i) to increase, revoke, or modify the ~~conditions~~
21 ~~of pretrial release~~ bail bond on an underlying
22 criminal charge pursuant to Section 110-6 of this
23 Code;

24 (ii) to revoke or modify an order of probation,
25 conditional discharge, or supervision, pursuant to
26 Section 5-6-4 of the Unified Code of Corrections;

1 (iii) to revoke or modify a sentence of periodic
2 imprisonment, pursuant to Section 5-7-2 of the Unified
3 Code of Corrections.

4 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
5 102-558, eff. 8-20-21; revised 10-12-21.)

6 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)
7 Sec. 114-1. Motion to dismiss charge.

8 (a) Upon the written motion of the defendant made prior to
9 trial before or after a plea has been entered the court may
10 dismiss the indictment, information or complaint upon any of
11 the following grounds:

12 (1) The defendant has not been placed on trial in
13 compliance with Section 103-5 of this Code.

14 (2) The prosecution of the offense is barred by
15 Sections 3-3 through 3-8 of the Criminal Code of 2012.

16 (3) The defendant has received immunity from
17 prosecution for the offense charged.

18 (4) The indictment was returned by a Grand Jury which
19 was improperly selected and which results in substantial
20 injustice to the defendant.

21 (5) The indictment was returned by a Grand Jury which
22 acted contrary to Article 112 of this Code and which
23 results in substantial injustice to the defendant.

24 (6) The court in which the charge has been filed does
25 not have jurisdiction.

1 (7) The county is an improper place of trial.

2 (8) The charge does not state an offense.

3 (9) The indictment is based solely upon the testimony
4 of an incompetent witness.

5 (10) The defendant is misnamed in the charge and the
6 misnomer results in substantial injustice to the
7 defendant.

8 (11) The requirements of Section 109-3.1 have not been
9 complied with.

10 (b) The court shall require any motion to dismiss to be
11 filed within a reasonable time after the defendant has been
12 arraigned. Any motion not filed within such time or an
13 extension thereof shall not be considered by the court and the
14 grounds therefor, except as to subsections (a)(6) and (a)(8)
15 of this Section, are waived.

16 (c) If the motion presents only an issue of law the court
17 shall determine it without the necessity of further pleadings.
18 If the motion alleges facts not of record in the case the State
19 shall file an answer admitting or denying each of the factual
20 allegations of the motion.

21 (d) When an issue of fact is presented by a motion to
22 dismiss and the answer of the State the court shall conduct a
23 hearing and determine the issues.

24 (d-5) When a defendant seeks dismissal of the charge upon
25 the ground set forth in subsection (a)(7) of this Section, the
26 defendant shall make a prima facie showing that the county is

1 an improper place of trial. Upon such showing, the State shall
2 have the burden of proving, by a preponderance of the
3 evidence, that the county is the proper place of trial.

4 (d-6) When a defendant seeks dismissal of the charge upon
5 the grounds set forth in subsection (a)(2) of this Section,
6 the prosecution shall have the burden of proving, by a
7 preponderance of the evidence, that the prosecution of the
8 offense is not barred by Sections 3-3 through 3-8 of the
9 Criminal Code of 2012.

10 (e) Dismissal of the charge upon the grounds set forth in
11 subsections (a)(4) through (a)(11) of this Section shall not
12 prevent the return of a new indictment or the filing of a new
13 charge, and upon such dismissal the court may order that the
14 defendant be held in custody or, if the defendant had been
15 previously released on ~~pretrial-release~~ bail, that the
16 ~~pretrial-release~~ bail be continued for a specified time
17 pending the return of a new indictment or the filing of a new
18 charge.

19 (f) If the court determines that the motion to dismiss
20 based upon the grounds set forth in subsections (a)(6) and
21 (a)(7) is well founded it may, instead of dismissal, order the
22 cause transferred to a court of competent jurisdiction or to a
23 proper place of trial.

24 (Source: P.A. 100-434, eff. 1-1-18; 101-652.)

25 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

1 Sec. 115-4.1. Absence of defendant.

2 (a) When a defendant after arrest and an initial court
3 appearance for a non-capital felony or a misdemeanor, fails to
4 appear for trial, at the request of the State and after the
5 State has affirmatively proven through substantial evidence
6 that the defendant is willfully avoiding trial, the court may
7 commence trial in the absence of the defendant. Absence of a
8 defendant as specified in this Section shall not be a bar to
9 indictment of a defendant, return of information against a
10 defendant, or arraignment of a defendant for the charge for
11 which ~~pretrial release~~ bail has been granted. If a defendant
12 fails to appear at arraignment, the court may enter a plea of
13 "not guilty" on his behalf. If a defendant absents himself
14 before trial on a capital felony, trial may proceed as
15 specified in this Section provided that the State certifies
16 that it will not seek a death sentence following conviction.
17 Trial in the defendant's absence shall be by jury unless the
18 defendant had previously waived trial by jury. The absent
19 defendant must be represented by retained or appointed
20 counsel. The court, at the conclusion of all of the
21 proceedings, may order the clerk of the circuit court to pay
22 counsel such sum as the court deems reasonable, from any bond
23 monies which were posted by the defendant with the clerk,
24 after the clerk has first deducted all court costs. If trial
25 had previously commenced in the presence of the defendant and
26 the defendant willfully absents himself for two successive

1 court days, the court shall proceed to trial. All procedural
2 rights guaranteed by the United States Constitution,
3 Constitution of the State of Illinois, statutes of the State
4 of Illinois, and rules of court shall apply to the proceedings
5 the same as if the defendant were present in court and had not
6 either ~~had his or her pretrial release revoked~~ forfeited his
7 bail bond or escaped from custody. The court may set the case
8 for a trial which may be conducted under this Section despite
9 the failure of the defendant to appear at the hearing at which
10 the trial date is set. When such trial date is set the clerk
11 shall send to the defendant, by certified mail at his last
12 known address indicated on his bond slip, notice of the new
13 date which has been set for trial. Such notification shall be
14 required when the defendant was not personally present in open
15 court at the time when the case was set for trial.

16 (b) The absence of a defendant from a trial conducted
17 pursuant to this Section does not operate as a bar to
18 concluding the trial, to a judgment of conviction resulting
19 therefrom, or to a final disposition of the trial in favor of
20 the defendant.

21 (c) Upon a verdict of not guilty, the court shall enter
22 judgment for the defendant. Upon a verdict of guilty, the
23 court shall set a date for the hearing of post-trial motions
24 and shall hear such motion in the absence of the defendant. If
25 post-trial motions are denied, the court shall proceed to
26 conduct a sentencing hearing and to impose a sentence upon the

1 defendant.

2 (d) A defendant who is absent for part of the proceedings
3 of trial, post-trial motions, or sentencing, does not thereby
4 forfeit his right to be present at all remaining proceedings.

5 (e) When a defendant who in his absence has been either
6 convicted or sentenced or both convicted and sentenced appears
7 before the court, he must be granted a new trial or new
8 sentencing hearing if the defendant can establish that his
9 failure to appear in court was both without his fault and due
10 to circumstances beyond his control. A hearing with notice to
11 the State's Attorney on the defendant's request for a new
12 trial or a new sentencing hearing must be held before any such
13 request may be granted. At any such hearing both the defendant
14 and the State may present evidence.

15 (f) If the court grants only the defendant's request for a
16 new sentencing hearing, then a new sentencing hearing shall be
17 held in accordance with the provisions of the Unified Code of
18 Corrections. At any such hearing, both the defendant and the
19 State may offer evidence of the defendant's conduct during his
20 period of absence from the court. The court may impose any
21 sentence authorized by the Unified Code of Corrections and is
22 not in any way limited or restricted by any sentence
23 previously imposed.

24 (g) A defendant whose motion under paragraph (e) for a new
25 trial or new sentencing hearing has been denied may file a
26 notice of appeal therefrom. Such notice may also include a

1 request for review of the judgment and sentence not vacated by
2 the trial court.

3 (Source: P.A. 90-787, eff. 8-14-98; 101-652.)

4 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

5 Sec. 122-6. Disposition in trial court.

6 The court may receive proof by affidavits, depositions,
7 oral testimony, or other evidence. In its discretion the court
8 may order the petitioner brought before the court for the
9 hearing. If the court finds in favor of the petitioner, it
10 shall enter an appropriate order with respect to the judgment
11 or sentence in the former proceedings and such supplementary
12 orders as to rearraignment, retrial, custody, ~~conditions of~~
13 ~~pretrial release~~ bail or discharge as may be necessary and
14 proper.

15 (Source: Laws 1963, p. 2836; P.A. 101-652.)

16 (725 ILCS 5/110-1.5 rep.)

17 Section 15. The Code of Criminal Procedure of 1963 is
18 amended by repealing Section 110-1.5.

19 Section 20. The Code of Criminal Procedure of 1963 is
20 amended by changing Sections 103-2, 103-3, and 108-8 as
21 follows:

22 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

1 Sec. 103-2. Treatment while in custody.

2 (a) On being taken into custody every person shall have
3 the right to remain silent.

4 (b) No unlawful means of any kind shall be used to obtain a
5 statement, admission or confession from any person in custody.

6 (c) Persons in custody shall be treated humanely and
7 provided with proper food, shelter and, if required, medical
8 treatment ~~without unreasonable delay if the need for the~~
9 ~~treatment is apparent.~~

10 (Source: Laws 1963, p. 2836; P.A. 101-652.)

11 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

12 Sec. 103-3. Right to communicate with attorney and family;
13 transfers.

14 (a) ~~(Blank)~~. Persons who are arrested shall have the right
15 to communicate with an attorney of their choice and a member of
16 their family by making a reasonable number of telephone calls
17 or in any other reasonable manner. Such communication shall be
18 permitted within a reasonable time after arrival at the first
19 place of custody.

20 ~~(a-5) Persons who are in police custody have the right to~~
21 ~~communicate free of charge with an attorney of their choice~~
22 ~~and members of their family as soon as possible upon being~~
23 ~~taken into police custody, but no later than three hours after~~
24 ~~arrival at the first place of custody. Persons in police~~
25 ~~custody must be given:~~

1 ~~(1) access to use a telephone via a land line or~~
2 ~~cellular phone to make three phone calls; and~~

3 ~~(2) the ability to retrieve phone numbers contained in~~
4 ~~his or her contact list on his or her cellular phone prior~~
5 ~~to the phone being placed into inventory.~~

6 ~~(a 10) In accordance with Section 103-7, at every facility~~
7 ~~where a person is in police custody a sign containing, at~~
8 ~~minimum, the following information in bold block type must be~~
9 ~~posted in a conspicuous place:~~

10 ~~(1) a short statement notifying persons who are in~~
11 ~~police custody of their right to have access to a phone~~
12 ~~within three hours after being taken into police custody;~~
13 ~~and~~

14 ~~(2) persons who are in police custody have the right~~
15 ~~to make three phone calls within three hours after being~~
16 ~~taken into custody, at no charge.~~

17 ~~(a 15) In addition to the information listed in subsection~~
18 ~~(a 10), if the place of custody is located in a jurisdiction~~
19 ~~where the court has appointed the public defender or other~~
20 ~~attorney to represent persons who are in police custody, the~~
21 ~~telephone number to the public defender or appointed~~
22 ~~attorney's office must also be displayed. The telephone call~~
23 ~~to the public defender or other attorney must not be~~
24 ~~monitored, eavesdropped upon, or recorded.~~

25 ~~(b) (Blank).~~ In the event the accused is transferred to a
26 new place of custody his right to communicate with an attorney

1 and a member of his family is renewed.

2 ~~(c) In the event a person who is in police custody is~~
3 ~~transferred to a new place of custody, his or her right to make~~
4 ~~telephone calls under this Section within three hours after~~
5 ~~arrival is renewed.~~

6 ~~(d) In this Section "custody" means the restriction of a~~
7 ~~person's freedom of movement by a law enforcement officer's~~
8 ~~exercise of his or her lawful authority.~~

9 ~~(e) The three hours requirement shall not apply while the~~
10 ~~person in police custody is asleep, unconscious, or otherwise~~
11 ~~incapacitated.~~

12 ~~(f) Nothing in this Section shall interfere with a~~
13 ~~person's rights or override procedures required in the Bill of~~
14 ~~Rights of the Illinois and US Constitutions, including but not~~
15 ~~limited to Fourth Amendment search and seizure rights, Fifth~~
16 ~~Amendment due process rights and rights to be free from~~
17 ~~self incrimination and Sixth Amendment right to counsel.~~

18 (Source: P.A. 101-652, eff. 7-1-21.)

19 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

20 Sec. 108-8. Use of force in execution of search warrant.

21 (a) All necessary and reasonable force may be used to
22 effect an entry into any building or property or part thereof
23 to execute a search warrant.

24 (b) The court issuing a warrant may authorize the officer
25 executing the warrant to make entry without first knocking and

1 announcing his or her office if it finds, based upon a showing
2 of specific facts, the existence of the following exigent
3 circumstances:

4 (1) That the officer reasonably believes that if
5 notice were given a weapon would be used:

6 (i) against the officer executing the search
7 warrant; or

8 (ii) against another person.

9 (2) That if notice were given there is an imminent
10 "danger" that evidence will be destroyed.

11 ~~(c) Prior to the issuing of a warrant under subsection~~
12 ~~(b), the officer must attest that:~~

13 ~~(1) prior to entering the location described in the~~
14 ~~search warrant, a supervising officer will ensure that~~
15 ~~each participating member is assigned a body worn camera~~
16 ~~and is following policies and procedures in accordance~~
17 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
18 ~~Body Camera Act; provided that the law enforcement agency~~
19 ~~has implemented body worn camera in accordance with~~
20 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
21 ~~Camera Act. If a law enforcement agency has not~~
22 ~~implemented a body camera in accordance with Section 10-15~~
23 ~~of the Law Enforcement Officer Worn Body Camera Act, the~~
24 ~~officer must attest that the interaction authorized by the~~
25 ~~warrant is otherwise recorded;~~

26 ~~(2) steps were taken in planning the search to ensure~~

1 ~~accuracy and plan for children or other vulnerable people~~
2 ~~on-site; and~~

3 ~~(3) if an officer becomes aware the search warrant was~~
4 ~~executed at an address, unit, or apartment different from~~
5 ~~the location listed on the search warrant, that member~~
6 ~~will immediately notify a supervisor who will ensure an~~
7 ~~internal investigation ensues.~~

8 (Source: P.A. 101-652, eff. 7-1-21.)

9 Section 25. The Code of Criminal Procedure of 1963 is
10 amended by reenacting Sections 110-6.3, 110-7, 110-8, 110-9,
11 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18 as follows:

12 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

13 Sec. 110-6.3. Denial of bail in stalking and aggravated
14 stalking offenses.

15 (a) Upon verified petition by the State, the court shall
16 hold a hearing to determine whether bail should be denied to a
17 defendant who is charged with stalking or aggravated stalking,
18 when it is alleged that the defendant's admission to bail
19 poses a real and present threat to the physical safety of the
20 alleged victim of the offense, and denial of release on bail or
21 personal recognizance is necessary to prevent fulfillment of
22 the threat upon which the charge is based.

23 (1) A petition may be filed without prior notice to
24 the defendant at the first appearance before a judge, or

1 within 21 calendar days, except as provided in Section
2 110-6, after arrest and release of the defendant upon
3 reasonable notice to defendant; provided that while the
4 petition is pending before the court, the defendant if
5 previously released shall not be detained.

6 (2) The hearing shall be held immediately upon the
7 defendant's appearance before the court, unless for good
8 cause shown the defendant or the State seeks a
9 continuance. A continuance on motion of the defendant may
10 not exceed 5 calendar days, and the defendant may be held
11 in custody during the continuance. A continuance on the
12 motion of the State may not exceed 3 calendar days;
13 however, the defendant may be held in custody during the
14 continuance under this provision if the defendant has been
15 previously found to have violated an order of protection
16 or has been previously convicted of, or granted court
17 supervision for, any of the offenses set forth in Sections
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
19 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
20 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, against the same
22 person as the alleged victim of the stalking or aggravated
23 stalking offense.

24 (b) The court may deny bail to the defendant when, after
25 the hearing, it is determined that:

26 (1) the proof is evident or the presumption great that

1 the defendant has committed the offense of stalking or
2 aggravated stalking; and

3 (2) the defendant poses a real and present threat to
4 the physical safety of the alleged victim of the offense;
5 and

6 (3) the denial of release on bail or personal
7 recognizance is necessary to prevent fulfillment of the
8 threat upon which the charge is based; and

9 (4) the court finds that no condition or combination
10 of conditions set forth in subsection (b) of Section
11 110-10 of this Code, including mental health treatment at
12 a community mental health center, hospital, or facility of
13 the Department of Human Services, can reasonably assure
14 the physical safety of the alleged victim of the offense.

15 (c) Conduct of the hearings.

16 (1) The hearing on the defendant's culpability and
17 threat to the alleged victim of the offense shall be
18 conducted in accordance with the following provisions:

19 (A) Information used by the court in its findings
20 or stated in or offered at the hearing may be by way of
21 proffer based upon reliable information offered by the
22 State or by defendant. Defendant has the right to be
23 represented by counsel, and if he is indigent, to have
24 counsel appointed for him. Defendant shall have the
25 opportunity to testify, to present witnesses in his
26 own behalf, and to cross-examine witnesses if any are

1 called by the State. The defendant has the right to
2 present witnesses in his favor. When the ends of
3 justice so require, the court may exercise its
4 discretion and compel the appearance of a complaining
5 witness. The court shall state on the record reasons
6 for granting a defense request to compel the presence
7 of a complaining witness. Cross-examination of a
8 complaining witness at the pretrial detention hearing
9 for the purpose of impeaching the witness' credibility
10 is insufficient reason to compel the presence of the
11 witness. In deciding whether to compel the appearance
12 of a complaining witness, the court shall be
13 considerate of the emotional and physical well-being
14 of the witness. The pretrial detention hearing is not
15 to be used for the purposes of discovery, and the post
16 arraignment rules of discovery do not apply. The State
17 shall tender to the defendant, prior to the hearing,
18 copies of defendant's criminal history, if any, if
19 available, and any written or recorded statements and
20 the substance of any oral statements made by any
21 person, if relied upon by the State. The rules
22 concerning the admissibility of evidence in criminal
23 trials do not apply to the presentation and
24 consideration of information at the hearing. At the
25 trial concerning the offense for which the hearing was
26 conducted neither the finding of the court nor any

1 transcript or other record of the hearing shall be
2 admissible in the State's case in chief, but shall be
3 admissible for impeachment, or as provided in Section
4 115-10.1 of this Code, or in a perjury proceeding.

5 (B) A motion by the defendant to suppress evidence
6 or to suppress a confession shall not be entertained.
7 Evidence that proof may have been obtained as the
8 result of an unlawful search and seizure or through
9 improper interrogation is not relevant to this state
10 of the prosecution.

11 (2) The facts relied upon by the court to support a
12 finding that:

13 (A) the defendant poses a real and present threat
14 to the physical safety of the alleged victim of the
15 offense; and

16 (B) the denial of release on bail or personal
17 recognizance is necessary to prevent fulfillment of
18 the threat upon which the charge is based;

19 shall be supported by clear and convincing evidence
20 presented by the State.

21 (d) Factors to be considered in making a determination of
22 the threat to the alleged victim of the offense. The court may,
23 in determining whether the defendant poses, at the time of the
24 hearing, a real and present threat to the physical safety of
25 the alleged victim of the offense, consider but shall not be
26 limited to evidence or testimony concerning:

1 (1) The nature and circumstances of the offense
2 charged;

3 (2) The history and characteristics of the defendant
4 including:

5 (A) Any evidence of the defendant's prior criminal
6 history indicative of violent, abusive or assaultive
7 behavior, or lack of that behavior. The evidence may
8 include testimony or documents received in juvenile
9 proceedings, criminal, quasi-criminal, civil
10 commitment, domestic relations or other proceedings;

11 (B) Any evidence of the defendant's psychological,
12 psychiatric or other similar social history that tends
13 to indicate a violent, abusive, or assaultive nature,
14 or lack of any such history.

15 (3) The nature of the threat which is the basis of the
16 charge against the defendant;

17 (4) Any statements made by, or attributed to the
18 defendant, together with the circumstances surrounding
19 them;

20 (5) The age and physical condition of any person
21 assaulted by the defendant;

22 (6) Whether the defendant is known to possess or have
23 access to any weapon or weapons;

24 (7) Whether, at the time of the current offense or any
25 other offense or arrest, the defendant was on probation,
26 parole, aftercare release, mandatory supervised release or

1 other release from custody pending trial, sentencing,
2 appeal or completion of sentence for an offense under
3 federal or state law;

4 (8) Any other factors, including those listed in
5 Section 110-5 of this Code, deemed by the court to have a
6 reasonable bearing upon the defendant's propensity or
7 reputation for violent, abusive or assaultive behavior, or
8 lack of that behavior.

9 (e) The court shall, in any order denying bail to a person
10 charged with stalking or aggravated stalking:

11 (1) briefly summarize the evidence of the defendant's
12 culpability and its reasons for concluding that the
13 defendant should be held without bail;

14 (2) direct that the defendant be committed to the
15 custody of the sheriff for confinement in the county jail
16 pending trial;

17 (3) direct that the defendant be given a reasonable
18 opportunity for private consultation with counsel, and for
19 communication with others of his choice by visitation,
20 mail and telephone; and

21 (4) direct that the sheriff deliver the defendant as
22 required for appearances in connection with court
23 proceedings.

24 (f) If the court enters an order for the detention of the
25 defendant under subsection (e) of this Section, the defendant
26 shall be brought to trial on the offense for which he is

1 detained within 90 days after the date on which the order for
2 detention was entered. If the defendant is not brought to
3 trial within the 90 day period required by this subsection
4 (f), he shall not be held longer without bail. In computing the
5 90 day period, the court shall omit any period of delay
6 resulting from a continuance granted at the request of the
7 defendant. The court shall immediately notify the alleged
8 victim of the offense that the defendant has been admitted to
9 bail under this subsection.

10 (g) Any person shall be entitled to appeal any order
11 entered under this Section denying bail to the defendant.

12 (h) The State may appeal any order entered under this
13 Section denying any motion for denial of bail.

14 (i) Nothing in this Section shall be construed as
15 modifying or limiting in any way the defendant's presumption
16 of innocence in further criminal proceedings.

17 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
18 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

19 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

20 Sec. 110-7. Deposit of bail security.

21 (a) The person for whom bail has been set shall execute the
22 bail bond and deposit with the clerk of the court before which
23 the proceeding is pending a sum of money equal to 10% of the
24 bail, but in no event shall such deposit be less than \$25. The
25 clerk of the court shall provide a space on each form for a

1 person other than the accused who has provided the money for
2 the posting of bail to so indicate and a space signed by an
3 accused who has executed the bail bond indicating whether a
4 person other than the accused has provided the money for the
5 posting of bail. The form shall also include a written notice
6 to such person who has provided the defendant with the money
7 for the posting of bail indicating that the bail may be used to
8 pay costs, attorney's fees, fines, or other purposes
9 authorized by the court and if the defendant fails to comply
10 with the conditions of the bail bond, the court shall enter an
11 order declaring the bail to be forfeited. The written notice
12 must be: (1) distinguishable from the surrounding text; (2) in
13 bold type or underscored; and (3) in a type size at least 2
14 points larger than the surrounding type. When a person for
15 whom bail has been set is charged with an offense under the
16 Illinois Controlled Substances Act or the Methamphetamine
17 Control and Community Protection Act which is a Class X
18 felony, or making a terrorist threat in violation of Section
19 29D-20 of the Criminal Code of 1961 or the Criminal Code of
20 2012 or an attempt to commit the offense of making a terrorist
21 threat, the court may require the defendant to deposit a sum
22 equal to 100% of the bail. Where any person is charged with a
23 forcible felony while free on bail and is the subject of
24 proceedings under Section 109-3 of this Code the judge
25 conducting the preliminary examination may also conduct a
26 hearing upon the application of the State pursuant to the

1 provisions of Section 110-6 of this Code to increase or revoke
2 the bail for that person's prior alleged offense.

3 (b) Upon depositing this sum and any bond fee authorized
4 by law, the person shall be released from custody subject to
5 the conditions of the bail bond.

6 (c) Once bail has been given and a charge is pending or is
7 thereafter filed in or transferred to a court of competent
8 jurisdiction the latter court shall continue the original bail
9 in that court subject to the provisions of Section 110-6 of
10 this Code.

11 (d) After conviction the court may order that the original
12 bail stand as bail pending appeal or deny, increase or reduce
13 bail subject to the provisions of Section 110-6.2.

14 (e) After the entry of an order by the trial court allowing
15 or denying bail pending appeal either party may apply to the
16 reviewing court having jurisdiction or to a justice thereof
17 sitting in vacation for an order increasing or decreasing the
18 amount of bail or allowing or denying bail pending appeal
19 subject to the provisions of Section 110-6.2.

20 (f) When the conditions of the bail bond have been
21 performed and the accused has been discharged from all
22 obligations in the cause the clerk of the court shall return to
23 the accused or to the defendant's designee by an assignment
24 executed at the time the bail amount is deposited, unless the
25 court orders otherwise, 90% of the sum which had been
26 deposited and shall retain as bail bond costs 10% of the amount

1 deposited. However, in no event shall the amount retained by
2 the clerk as bail bond costs be less than \$5. Notwithstanding
3 the foregoing, in counties with a population of 3,000,000 or
4 more, in no event shall the amount retained by the clerk as
5 bail bond costs exceed \$100. Bail bond deposited by or on
6 behalf of a defendant in one case may be used, in the court's
7 discretion, to satisfy financial obligations of that same
8 defendant incurred in a different case due to a fine, court
9 costs, restitution or fees of the defendant's attorney of
10 record. In counties with a population of 3,000,000 or more,
11 the court shall not order bail bond deposited by or on behalf
12 of a defendant in one case to be used to satisfy financial
13 obligations of that same defendant in a different case until
14 the bail bond is first used to satisfy court costs and
15 attorney's fees in the case in which the bail bond has been
16 deposited and any other unpaid child support obligations are
17 satisfied. In counties with a population of less than
18 3,000,000, the court shall not order bail bond deposited by or
19 on behalf of a defendant in one case to be used to satisfy
20 financial obligations of that same defendant in a different
21 case until the bail bond is first used to satisfy court costs
22 in the case in which the bail bond has been deposited.

23 At the request of the defendant the court may order such
24 90% of defendant's bail deposit, or whatever amount is
25 repayable to defendant from such deposit, to be paid to
26 defendant's attorney of record.

1 (g) If the accused does not comply with the conditions of
2 the bail bond the court having jurisdiction shall enter an
3 order declaring the bail to be forfeited. Notice of such order
4 of forfeiture shall be mailed forthwith to the accused at his
5 last known address. If the accused does not appear and
6 surrender to the court having jurisdiction within 30 days from
7 the date of the forfeiture or within such period satisfy the
8 court that appearance and surrender by the accused is
9 impossible and without his fault the court shall enter
10 judgment for the State if the charge for which the bond was
11 given was a felony or misdemeanor, or if the charge was
12 quasi-criminal or traffic, judgment for the political
13 subdivision of the State which prosecuted the case, against
14 the accused for the amount of the bail and costs of the court
15 proceedings; however, in counties with a population of less
16 than 3,000,000, instead of the court entering a judgment for
17 the full amount of the bond the court may, in its discretion,
18 enter judgment for the cash deposit on the bond, less costs,
19 retain the deposit for further disposition or, if a cash bond
20 was posted for failure to appear in a matter involving
21 enforcement of child support or maintenance, the amount of the
22 cash deposit on the bond, less outstanding costs, may be
23 awarded to the person or entity to whom the child support or
24 maintenance is due. The deposit made in accordance with
25 paragraph (a) shall be applied to the payment of costs. If
26 judgment is entered and any amount of such deposit remains

1 after the payment of costs it shall be applied to payment of
2 the judgment and transferred to the treasury of the municipal
3 corporation wherein the bond was taken if the offense was a
4 violation of any penal ordinance of a political subdivision of
5 this State, or to the treasury of the county wherein the bond
6 was taken if the offense was a violation of any penal statute
7 of this State. The balance of the judgment may be enforced and
8 collected in the same manner as a judgment entered in a civil
9 action.

10 (h) After a judgment for a fine and court costs or either
11 is entered in the prosecution of a cause in which a deposit had
12 been made in accordance with paragraph (a) the balance of such
13 deposit, after deduction of bail bond costs, shall be applied
14 to the payment of the judgment.

15 (i) When a court appearance is required for an alleged
16 violation of the Criminal Code of 1961, the Criminal Code of
17 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
18 and Aquatic Life Code, the Child Passenger Protection Act, or
19 a comparable offense of a unit of local government as
20 specified in Supreme Court Rule 551, and if the accused does
21 not appear in court on the date set for appearance or any date
22 to which the case may be continued and the court issues an
23 arrest warrant for the accused, based upon his or her failure
24 to appear when having so previously been ordered to appear by
25 the court, the accused upon his or her admission to bail shall
26 be assessed by the court a fee of \$75. Payment of the fee shall

1 be a condition of release unless otherwise ordered by the
2 court. The fee shall be in addition to any bail that the
3 accused is required to deposit for the offense for which the
4 accused has been charged and may not be used for the payment of
5 court costs or fines assessed for the offense. The clerk of the
6 court shall remit \$70 of the fee assessed to the arresting
7 agency who brings the offender in on the arrest warrant. If the
8 Department of State Police is the arresting agency, \$70 of the
9 fee assessed shall be remitted by the clerk of the court to the
10 State Treasurer within one month after receipt for deposit
11 into the State Police Operations Assistance Fund. The clerk of
12 the court shall remit \$5 of the fee assessed to the Circuit
13 Court Clerk Operation and Administrative Fund as provided in
14 Section 27.3d of the Clerks of Courts Act.

15 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

16 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

17 Sec. 110-8. Cash, stocks, bonds and real estate as
18 security for bail.

19 (a) In lieu of the bail deposit provided for in Section
20 110-7 of this Code any person for whom bail has been set may
21 execute the bail bond with or without sureties which bond may
22 be secured:

23 (1) By a deposit, with the clerk of the court, of an amount
24 equal to the required bail, of cash, or stocks and bonds in
25 which trustees are authorized to invest trust funds under the

1 laws of this State; or

2 (2) By real estate situated in this State with
3 unencumbered equity not exempt owned by the accused or
4 sureties worth double the amount of bail set in the bond.

5 (b) If the bail bond is secured by stocks and bonds the
6 accused or sureties shall file with the bond a sworn schedule
7 which shall be approved by the court and shall contain:

8 (1) A list of the stocks and bonds deposited
9 describing each in sufficient detail that it may be
10 identified;

11 (2) The market value of each stock and bond;

12 (3) The total market value of the stocks and bonds
13 listed;

14 (4) A statement that the affiant is the sole owner of
15 the stocks and bonds listed and they are not exempt from
16 the enforcement of a judgment thereon;

17 (5) A statement that such stocks and bonds have not
18 previously been used or accepted as bail in this State
19 during the 12 months preceding the date of the bail bond;
20 and

21 (6) A statement that such stocks and bonds are
22 security for the appearance of the accused in accordance
23 with the conditions of the bail bond.

24 (c) If the bail bond is secured by real estate the accused
25 or sureties shall file with the bond a sworn schedule which
26 shall contain:

- 1 (1) A legal description of the real estate;
- 2 (2) A description of any and all encumbrances on the
3 real estate including the amount of each and the holder
4 thereof;
- 5 (3) The market value of the unencumbered equity owned
6 by the affiant;
- 7 (4) A statement that the affiant is the sole owner of
8 such unencumbered equity and that it is not exempt from
9 the enforcement of a judgment thereon;
- 10 (5) A statement that the real estate has not
11 previously been used or accepted as bail in this State
12 during the 12 months preceding the date of the bail bond;
13 and
- 14 (6) A statement that the real estate is security for
15 the appearance of the accused in accordance with the
16 conditions of the bail bond.
- 17 (d) The sworn schedule shall constitute a material part of
18 the bail bond. The affiant commits perjury if in the sworn
19 schedule he makes a false statement which he does not believe
20 to be true. He shall be prosecuted and punished accordingly,
21 or, he may be punished for contempt.
- 22 (e) A certified copy of the bail bond and schedule of real
23 estate shall be filed immediately in the office of the
24 registrar of titles or recorder of the county in which the real
25 estate is situated and the State shall have a lien on such real
26 estate from the time such copies are filed in the office of the

1 registrar of titles or recorder. The registrar of titles or
2 recorder shall enter, index and record (or register as the
3 case may be) such bail bonds and schedules without requiring
4 any advance fee, which fee shall be taxed as costs in the
5 proceeding and paid out of such costs when collected.

6 (f) When the conditions of the bail bond have been
7 performed and the accused has been discharged from his
8 obligations in the cause, the clerk of the court shall return
9 to him or his sureties the deposit of any cash, stocks or
10 bonds. If the bail bond has been secured by real estate the
11 clerk of the court shall forthwith notify in writing the
12 registrar of titles or recorder and the lien of the bail bond
13 on the real estate shall be discharged.

14 (g) If the accused does not comply with the conditions of
15 the bail bond the court having jurisdiction shall enter an
16 order declaring the bail to be forfeited. Notice of such order
17 of forfeiture shall be mailed forthwith by the clerk of the
18 court to the accused and his sureties at their last known
19 address. If the accused does not appear and surrender to the
20 court having jurisdiction within 30 days from the date of the
21 forfeiture or within such period satisfy the court that
22 appearance and surrender by the accused is impossible and
23 without his fault the court shall enter judgment for the State
24 against the accused and his sureties for the amount of the bail
25 and costs of the proceedings; however, in counties with a
26 population of less than 3,000,000, if the defendant has posted

1 a cash bond, instead of the court entering a judgment for the
2 full amount of the bond the court may, in its discretion, enter
3 judgment for the cash deposit on the bond, less costs, retain
4 the deposit for further disposition or, if a cash bond was
5 posted for failure to appear in a matter involving enforcement
6 of child support or maintenance, the amount of the cash
7 deposit on the bond, less outstanding costs, may be awarded to
8 the person or entity to whom the child support or maintenance
9 is due.

10 (h) When judgment is entered in favor of the State on any
11 bail bond given for a felony or misdemeanor, or judgement for a
12 political subdivision of the state on any bail bond given for a
13 quasi-criminal or traffic offense, the State's Attorney or
14 political subdivision's attorney shall forthwith obtain a
15 certified copy of the judgment and deliver same to the sheriff
16 to be enforced by levy on the stocks or bonds deposited with
17 the clerk of the court and the real estate described in the
18 bail bond schedule. Any cash forfeited under subsection (g) of
19 this Section shall be used to satisfy the judgment and costs
20 and, without necessity of levy, ordered paid into the treasury
21 of the municipal corporation wherein the bail bond was taken
22 if the offense was a violation of any penal ordinance of a
23 political subdivision of this State, or into the treasury of
24 the county wherein the bail bond was taken if the offense was a
25 violation of any penal statute of this State, or to the person
26 or entity to whom child support or maintenance is owed if the

1 bond was taken for failure to appear in a matter involving
2 child support or maintenance. The stocks, bonds and real
3 estate shall be sold in the same manner as in sales for the
4 enforcement of a judgment in civil actions and the proceeds of
5 such sale shall be used to satisfy all court costs, prior
6 encumbrances, if any, and from the balance a sufficient amount
7 to satisfy the judgment shall be paid into the treasury of the
8 municipal corporation wherein the bail bond was taken if the
9 offense was a violation of any penal ordinance of a political
10 subdivision of this State, or into the treasury of the county
11 wherein the bail bond was taken if the offense was a violation
12 of any penal statute of this State. The balance shall be
13 returned to the owner. The real estate so sold may be redeemed
14 in the same manner as real estate may be redeemed after
15 judicial sales or sales for the enforcement of judgments in
16 civil actions.

17 (i) No stocks, bonds or real estate may be used or accepted
18 as bail bond security in this State more than once in any 12
19 month period.

20 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

22 Sec. 110-9. Taking of bail by peace officer. When bail has
23 been set by a judicial officer for a particular offense or
24 offender any sheriff or other peace officer may take bail in
25 accordance with the provisions of Section 110-7 or 110-8 of

1 this Code and release the offender to appear in accordance
2 with the conditions of the bail bond, the Notice to Appear or
3 the Summons. The officer shall give a receipt to the offender
4 for the bail so taken and within a reasonable time deposit such
5 bail with the clerk of the court having jurisdiction of the
6 offense. A sheriff or other peace officer taking bail in
7 accordance with the provisions of Section 110-7 or 110-8 of
8 this Code shall accept payments made in the form of currency,
9 and may accept other forms of payment as the sheriff shall by
10 rule authorize. For purposes of this Section, "currency" has
11 the meaning provided in subsection (a) of Section 3 of the
12 Currency Reporting Act.

13 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

14 (725 ILCS 5/110-13) (from Ch. 38, par. 110-13)

15 Sec. 110-13. Persons prohibited from furnishing bail
16 security. No attorney at law practicing in this State and no
17 official authorized to admit another to bail or to accept bail
18 shall furnish any part of any security for bail in any criminal
19 action or any proceeding nor shall any such person act as
20 surety for any accused admitted to bail.

21 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

22 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

23 Sec. 110-14. Credit for incarceration onailable offense;
24 credit against monetary bail for certain offenses.

1 (a) Any person incarcerated on a bailable offense who does
2 not supply bail and against whom a fine is levied on conviction
3 of the offense shall be allowed a credit of \$30 for each day so
4 incarcerated upon application of the defendant. However, in no
5 case shall the amount so allowed or credited exceed the amount
6 of the fine.

7 (b) Subsection (a) does not apply to a person incarcerated
8 for sexual assault as defined in paragraph (1) of subsection
9 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

10 (c) A person subject to bail on a Category B offense shall
11 have \$30 deducted from his or her 10% cash bond amount every
12 day the person is incarcerated. The sheriff shall calculate
13 and apply this \$30 per day reduction and send notice to the
14 circuit clerk if a defendant's 10% cash bond amount is reduced
15 to \$0, at which point the defendant shall be released upon his
16 or her own recognizance.

17 (d) The court may deny the incarceration credit in
18 subsection (c) of this Section if the person has failed to
19 appear as required before the court and is incarcerated based
20 on a warrant for failure to appear on the same original
21 criminal offense.

22 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
23 101-408, eff. 1-1-20; 101-652, eff. 7-1-21.)

24 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

25 Sec. 110-15. Applicability of provisions for giving and

1 taking bail. The provisions of Sections 110-7 and 110-8 of
2 this Code are exclusive of other provisions of law for the
3 giving, taking, or enforcement of bail. In all cases where a
4 person is admitted to bail the provisions of Sections 110-7
5 and 110-8 of this Code shall be applicable.

6 However, the Supreme Court may, by rule or order,
7 prescribe a uniform schedule of amounts of bail in all but
8 felony offenses. The uniform schedule shall not require a
9 person cited for violating the Illinois Vehicle Code or a
10 similar provision of a local ordinance for which a violation
11 is a petty offense as defined by Section 5-1-17 of the Unified
12 Code of Corrections, excluding business offenses as defined by
13 Section 5-1-2 of the Unified Code of Corrections or a
14 violation of Section 15-111 or subsection (d) of Section 3-401
15 of the Illinois Vehicle Code, to post bond to secure bail for
16 his or her release. Such uniform schedule may provide that the
17 cash deposit provisions of Section 110-7 shall not apply to
18 bail amounts established for alleged violations punishable by
19 fine alone, and the schedule may further provide that in
20 specified traffic cases a valid Illinois chauffeur's or
21 operator's license must be deposited, in addition to 10% of
22 the amount of the bail specified in the schedule.

23 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;
24 101-652, eff. 7-1-21.)

25 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

1 Sec. 110-16. Bail bond-forfeiture in same case or absents
2 self during trial-not bailable. If a person admitted to bail
3 on a felony charge forfeits his bond and fails to appear in
4 court during the 30 days immediately after such forfeiture, on
5 being taken into custody thereafter he shall not be bailable
6 in the case in question, unless the court finds that his
7 absence was not for the purpose of obstructing justice or
8 avoiding prosecution.

9 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

10 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

11 Sec. 110-17. Unclaimed bail deposits. Any sum of money
12 deposited by any person to secure his or her release from
13 custody which remains unclaimed by the person entitled to its
14 return for 3 years after the conditions of the bail bond have
15 been performed and the accused has been discharged from all
16 obligations in the cause shall be presumed to be abandoned and
17 subject to disposition under the Revised Uniform Unclaimed
18 Property Act.

19 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
20 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

22 Sec. 110-18. Reimbursement. The sheriff of each county
23 shall certify to the treasurer of each county the number of
24 days that persons had been detained in the custody of the

1 sheriff without a bond being set as a result of an order
2 entered pursuant to Section 110-6.1 of this Code. The county
3 treasurer shall, no later than January 1, annually certify to
4 the Supreme Court the number of days that persons had been
5 detained without bond during the twelve-month period ending
6 November 30. The Supreme Court shall reimburse, from funds
7 appropriated to it by the General Assembly for such purposes,
8 the treasurer of each county an amount of money for deposit in
9 the county general revenue fund at a rate of \$50 per day for
10 each day that persons were detained in custody without bail as
11 a result of an order entered pursuant to Section 110-6.1 of
12 this Code.

13 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

14 Section 30. The Rights of Crime Victims and Witnesses Act
15 is amended by changing Section 4.5 as follows:

16 (725 ILCS 120/4.5)

17 Sec. 4.5. Procedures to implement the rights of crime
18 victims. To afford crime victims their rights, law
19 enforcement, prosecutors, judges, and corrections will provide
20 information, as appropriate, of the following procedures:

21 (a) At the request of the crime victim, law enforcement
22 authorities investigating the case shall provide notice of the
23 status of the investigation, except where the State's Attorney
24 determines that disclosure of such information would

1 unreasonably interfere with the investigation, until such time
2 as the alleged assailant is apprehended or the investigation
3 is closed.

4 (a-5) When law enforcement authorities reopen a closed
5 case to resume investigating, they shall provide notice of the
6 reopening of the case, except where the State's Attorney
7 determines that disclosure of such information would
8 unreasonably interfere with the investigation.

9 (b) The office of the State's Attorney:

10 (1) shall provide notice of the filing of an
11 information, the return of an indictment, or the filing of
12 a petition to adjudicate a minor as a delinquent for a
13 violent crime;

14 (2) shall provide timely notice of the date, time, and
15 place of court proceedings; of any change in the date,
16 time, and place of court proceedings; and of any
17 cancellation of court proceedings. Notice shall be
18 provided in sufficient time, wherever possible, for the
19 victim to make arrangements to attend or to prevent an
20 unnecessary appearance at court proceedings;

21 (2.5) shall provide to the victim at pretrial stages
22 of the proceedings notification of all pretrial hearings,
23 all bail decisions, conditions of release related to the
24 victim's safety, the defendant's release from custody, and
25 instructions on seeking enforcement of release conditions;

26 (3) or victim advocate personnel shall provide

1 information of social services and financial assistance
2 available for victims of crime, including information of
3 how to apply for these services and assistance;

4 (3.5) or victim advocate personnel shall provide
5 information about available victim services, including
6 referrals to programs, counselors, and agencies that
7 assist a victim to deal with trauma, loss, and grief;

8 (4) shall assist in having any stolen or other
9 personal property held by law enforcement authorities for
10 evidentiary or other purposes returned as expeditiously as
11 possible, pursuant to the procedures set out in Section
12 115-9 of the Code of Criminal Procedure of 1963;

13 (5) or victim advocate personnel shall provide
14 appropriate employer intercession services to ensure that
15 employers of victims will cooperate with the criminal
16 justice system in order to minimize an employee's loss of
17 pay and other benefits resulting from court appearances;

18 (6) shall provide, whenever possible, a secure waiting
19 area during court proceedings that does not require
20 victims to be in close proximity to defendants or
21 juveniles accused of a violent crime, and their families
22 and friends;

23 (7) shall provide notice to the crime victim of the
24 right to have a translator present at all court
25 proceedings and, in compliance with the federal Americans
26 with Disabilities Act of 1990, the right to communications

1 access through a sign language interpreter or by other
2 means;

3 (8) (blank);

4 (8.5) shall inform the victim of the right to be
5 present at all court proceedings, unless the victim is to
6 testify and the court determines that the victim's
7 testimony would be materially affected if the victim hears
8 other testimony at trial;

9 (9) shall inform the victim of the right to have
10 present at all court proceedings, subject to the rules of
11 evidence and confidentiality, an advocate and other
12 support person of the victim's choice;

13 (9.3) shall inform the victim of the right to retain
14 an attorney, at the victim's own expense, who, upon
15 written notice filed with the clerk of the court and
16 State's Attorney, is to receive copies of all notices,
17 motions, and court orders filed thereafter in the case, in
18 the same manner as if the victim were a named party in the
19 case;

20 (9.5) shall inform the victim of (A) the victim's
21 right under Section 6 of this Act to make a statement at
22 the sentencing hearing; (B) the right of the victim's
23 spouse, guardian, parent, grandparent, and other immediate
24 family and household members under Section 6 of this Act
25 to present a statement at sentencing; and (C) if a
26 presentence report is to be prepared, the right of the

1 victim's spouse, guardian, parent, grandparent, and other
2 immediate family and household members to submit
3 information to the preparer of the presentence report
4 about the effect the offense has had on the victim and the
5 person;

6 (10) at the sentencing shall make a good faith attempt
7 to explain the minimum amount of time during which the
8 defendant may actually be physically imprisoned. The
9 Office of the State's Attorney shall further notify the
10 crime victim of the right to request from the Prisoner
11 Review Board or Department of Juvenile Justice information
12 concerning the release of the defendant;

13 (11) shall request restitution at sentencing and as
14 part of a plea agreement if the victim requests
15 restitution;

16 (12) shall, upon the court entering a verdict of not
17 guilty by reason of insanity, inform the victim of the
18 notification services available from the Department of
19 Human Services, including the statewide telephone number,
20 under subparagraph (d) (2) of this Section;

21 (13) shall provide notice within a reasonable time
22 after receipt of notice from the custodian, of the release
23 of the defendant on pretrial release or personal
24 recognizance or the release from detention of a minor who
25 has been detained;

26 (14) shall explain in nontechnical language the

1 details of any plea or verdict of a defendant, or any
2 adjudication of a juvenile as a delinquent;

3 (15) shall make all reasonable efforts to consult with
4 the crime victim before the Office of the State's Attorney
5 makes an offer of a plea bargain to the defendant or enters
6 into negotiations with the defendant concerning a possible
7 plea agreement, and shall consider the written statement,
8 if prepared prior to entering into a plea agreement. The
9 right to consult with the prosecutor does not include the
10 right to veto a plea agreement or to insist the case go to
11 trial. If the State's Attorney has not consulted with the
12 victim prior to making an offer or entering into plea
13 negotiations with the defendant, the Office of the State's
14 Attorney shall notify the victim of the offer or the
15 negotiations within 2 business days and confer with the
16 victim;

17 (16) shall provide notice of the ultimate disposition
18 of the cases arising from an indictment or an information,
19 or a petition to have a juvenile adjudicated as a
20 delinquent for a violent crime;

21 (17) shall provide notice of any appeal taken by the
22 defendant and information on how to contact the
23 appropriate agency handling the appeal, and how to request
24 notice of any hearing, oral argument, or decision of an
25 appellate court;

26 (18) shall provide timely notice of any request for

1 post-conviction review filed by the defendant under
2 Article 122 of the Code of Criminal Procedure of 1963, and
3 of the date, time and place of any hearing concerning the
4 petition. Whenever possible, notice of the hearing shall
5 be given within 48 hours of the court's scheduling of the
6 hearing;

7 (19) shall forward a copy of any statement presented
8 under Section 6 to the Prisoner Review Board or Department
9 of Juvenile Justice to be considered in making a
10 determination under Section 3-2.5-85 or subsection (b) of
11 Section 3-3-8 of the Unified Code of Corrections;

12 (20) shall, within a reasonable time, offer to meet
13 with the crime victim regarding the decision of the
14 State's Attorney not to charge an offense, and shall meet
15 with the victim, if the victim agrees. The victim has a
16 right to have an attorney, advocate, and other support
17 person of the victim's choice attend this meeting with the
18 victim; and

19 (21) shall give the crime victim timely notice of any
20 decision not to pursue charges and consider the safety of
21 the victim when deciding how to give such notice.

22 (c) The court shall ensure that the rights of the victim
23 are afforded.

24 (c-5) The following procedures shall be followed to afford
25 victims the rights guaranteed by Article I, Section 8.1 of the
26 Illinois Constitution:

1 (1) Written notice. A victim may complete a written
2 notice of intent to assert rights on a form prepared by the
3 Office of the Attorney General and provided to the victim
4 by the State's Attorney. The victim may at any time
5 provide a revised written notice to the State's Attorney.
6 The State's Attorney shall file the written notice with
7 the court. At the beginning of any court proceeding in
8 which the right of a victim may be at issue, the court and
9 prosecutor shall review the written notice to determine
10 whether the victim has asserted the right that may be at
11 issue.

12 (2) Victim's retained attorney. A victim's attorney
13 shall file an entry of appearance limited to assertion of
14 the victim's rights. Upon the filing of the entry of
15 appearance and service on the State's Attorney and the
16 defendant, the attorney is to receive copies of all
17 notices, motions and court orders filed thereafter in the
18 case.

19 (3) Standing. The victim has standing to assert the
20 rights enumerated in subsection (a) of Article I, Section
21 8.1 of the Illinois Constitution and the statutory rights
22 under Section 4 of this Act in any court exercising
23 jurisdiction over the criminal case. The prosecuting
24 attorney, a victim, or the victim's retained attorney may
25 assert the victim's rights. The defendant in the criminal
26 case has no standing to assert a right of the victim in any

1 court proceeding, including on appeal.

2 (4) Assertion of and enforcement of rights.

3 (A) The prosecuting attorney shall assert a
4 victim's right or request enforcement of a right by
5 filing a motion or by orally asserting the right or
6 requesting enforcement in open court in the criminal
7 case outside the presence of the jury. The prosecuting
8 attorney shall consult with the victim and the
9 victim's attorney regarding the assertion or
10 enforcement of a right. If the prosecuting attorney
11 decides not to assert or enforce a victim's right, the
12 prosecuting attorney shall notify the victim or the
13 victim's attorney in sufficient time to allow the
14 victim or the victim's attorney to assert the right or
15 to seek enforcement of a right.

16 (B) If the prosecuting attorney elects not to
17 assert a victim's right or to seek enforcement of a
18 right, the victim or the victim's attorney may assert
19 the victim's right or request enforcement of a right
20 by filing a motion or by orally asserting the right or
21 requesting enforcement in open court in the criminal
22 case outside the presence of the jury.

23 (C) If the prosecuting attorney asserts a victim's
24 right or seeks enforcement of a right, unless the
25 prosecuting attorney objects or the trial court does
26 not allow it, the victim or the victim's attorney may

1 be heard regarding the prosecuting attorney's motion
2 or may file a simultaneous motion to assert or request
3 enforcement of the victim's right. If the victim or
4 the victim's attorney was not allowed to be heard at
5 the hearing regarding the prosecuting attorney's
6 motion, and the court denies the prosecuting
7 attorney's assertion of the right or denies the
8 request for enforcement of a right, the victim or
9 victim's attorney may file a motion to assert the
10 victim's right or to request enforcement of the right
11 within 10 days of the court's ruling. The motion need
12 not demonstrate the grounds for a motion for
13 reconsideration. The court shall rule on the merits of
14 the motion.

15 (D) The court shall take up and decide any motion
16 or request asserting or seeking enforcement of a
17 victim's right without delay, unless a specific time
18 period is specified by law or court rule. The reasons
19 for any decision denying the motion or request shall
20 be clearly stated on the record.

21 (E) No later than January 1, 2023, the Office of
22 the Attorney General shall:

23 (i) designate an administrative authority
24 within the Office of the Attorney General to
25 receive and investigate complaints relating to the
26 provision or violation of the rights of a crime

1 victim as described in Article I, Section 8.1 of
2 the Illinois Constitution and in this Act;

3 (ii) create and administer a course of
4 training for employees and offices of the State of
5 Illinois that fail to comply with provisions of
6 Illinois law pertaining to the treatment of crime
7 victims as described in Article I, Section 8.1 of
8 the Illinois Constitution and in this Act as
9 required by the court under Section 5 of this Act;
10 and

11 (iii) have the authority to make
12 recommendations to employees and offices of the
13 State of Illinois to respond more effectively to
14 the needs of crime victims, including regarding
15 the violation of the rights of a crime victim.

16 (F) Crime victims' rights may also be asserted by
17 filing a complaint for mandamus, injunctive, or
18 declaratory relief in the jurisdiction in which the
19 victim's right is being violated or where the crime is
20 being prosecuted. For complaints or motions filed by
21 or on behalf of the victim, the clerk of court shall
22 waive filing fees that would otherwise be owed by the
23 victim for any court filing with the purpose of
24 enforcing crime victims' rights. If the court denies
25 the relief sought by the victim, the reasons for the
26 denial shall be clearly stated on the record in the

1 transcript of the proceedings, in a written opinion,
2 or in the docket entry, and the victim may appeal the
3 circuit court's decision to the appellate court. The
4 court shall issue prompt rulings regarding victims'
5 rights. Proceedings seeking to enforce victims' rights
6 shall not be stayed or subject to unreasonable delay
7 via continuances.

8 (5) Violation of rights and remedies.

9 (A) If the court determines that a victim's right
10 has been violated, the court shall determine the
11 appropriate remedy for the violation of the victim's
12 right by hearing from the victim and the parties,
13 considering all factors relevant to the issue, and
14 then awarding appropriate relief to the victim.

15 (A-5) Consideration of an issue of a substantive
16 nature or an issue that implicates the constitutional
17 or statutory right of a victim at a court proceeding
18 labeled as a status hearing shall constitute a per se
19 violation of a victim's right.

20 (B) The appropriate remedy shall include only
21 actions necessary to provide the victim the right to
22 which the victim was entitled. Remedies may include,
23 but are not limited to: injunctive relief requiring
24 the victim's right to be afforded; declaratory
25 judgment recognizing or clarifying the victim's
26 rights; a writ of mandamus; and may include reopening

1 previously held proceedings; however, in no event
2 shall the court vacate a conviction. Any remedy shall
3 be tailored to provide the victim an appropriate
4 remedy without violating any constitutional right of
5 the defendant. In no event shall the appropriate
6 remedy to the victim be a new trial or damages.

7 The court shall impose a mandatory training course
8 provided by the Attorney General for the employee under
9 item (ii) of subparagraph (E) of paragraph (4), which must
10 be successfully completed within 6 months of the entry of
11 the court order.

12 This paragraph (5) takes effect January 2, 2023.

13 (6) Right to be heard. Whenever a victim has the right
14 to be heard, the court shall allow the victim to exercise
15 the right in any reasonable manner the victim chooses.

16 (7) Right to attend trial. A party must file a written
17 motion to exclude a victim from trial at least 60 days
18 prior to the date set for trial. The motion must state with
19 specificity the reason exclusion is necessary to protect a
20 constitutional right of the party, and must contain an
21 offer of proof. The court shall rule on the motion within
22 30 days. If the motion is granted, the court shall set
23 forth on the record the facts that support its finding
24 that the victim's testimony will be materially affected if
25 the victim hears other testimony at trial.

26 (8) Right to have advocate and support person present

1 at court proceedings.

2 (A) A party who intends to call an advocate as a
3 witness at trial must seek permission of the court
4 before the subpoena is issued. The party must file a
5 written motion at least 90 days before trial that sets
6 forth specifically the issues on which the advocate's
7 testimony is sought and an offer of proof regarding
8 (i) the content of the anticipated testimony of the
9 advocate; and (ii) the relevance, admissibility, and
10 materiality of the anticipated testimony. The court
11 shall consider the motion and make findings within 30
12 days of the filing of the motion. If the court finds by
13 a preponderance of the evidence that: (i) the
14 anticipated testimony is not protected by an absolute
15 privilege; and (ii) the anticipated testimony contains
16 relevant, admissible, and material evidence that is
17 not available through other witnesses or evidence, the
18 court shall issue a subpoena requiring the advocate to
19 appear to testify at an in camera hearing. The
20 prosecuting attorney and the victim shall have 15 days
21 to seek appellate review before the advocate is
22 required to testify at an ex parte in camera
23 proceeding.

24 The prosecuting attorney, the victim, and the
25 advocate's attorney shall be allowed to be present at
26 the ex parte in camera proceeding. If, after

1 conducting the ex parte in camera hearing, the court
2 determines that due process requires any testimony
3 regarding confidential or privileged information or
4 communications, the court shall provide to the
5 prosecuting attorney, the victim, and the advocate's
6 attorney a written memorandum on the substance of the
7 advocate's testimony. The prosecuting attorney, the
8 victim, and the advocate's attorney shall have 15 days
9 to seek appellate review before a subpoena may be
10 issued for the advocate to testify at trial. The
11 presence of the prosecuting attorney at the ex parte
12 in camera proceeding does not make the substance of
13 the advocate's testimony that the court has ruled
14 inadmissible subject to discovery.

15 (B) If a victim has asserted the right to have a
16 support person present at the court proceedings, the
17 victim shall provide the name of the person the victim
18 has chosen to be the victim's support person to the
19 prosecuting attorney, within 60 days of trial. The
20 prosecuting attorney shall provide the name to the
21 defendant. If the defendant intends to call the
22 support person as a witness at trial, the defendant
23 must seek permission of the court before a subpoena is
24 issued. The defendant must file a written motion at
25 least 45 days prior to trial that sets forth
26 specifically the issues on which the support person

1 will testify and an offer of proof regarding: (i) the
2 content of the anticipated testimony of the support
3 person; and (ii) the relevance, admissibility, and
4 materiality of the anticipated testimony.

5 If the prosecuting attorney intends to call the
6 support person as a witness during the State's
7 case-in-chief, the prosecuting attorney shall inform
8 the court of this intent in the response to the
9 defendant's written motion. The victim may choose a
10 different person to be the victim's support person.
11 The court may allow the defendant to inquire about
12 matters outside the scope of the direct examination
13 during cross-examination. If the court allows the
14 defendant to do so, the support person shall be
15 allowed to remain in the courtroom after the support
16 person has testified. A defendant who fails to
17 question the support person about matters outside the
18 scope of direct examination during the State's
19 case-in-chief waives the right to challenge the
20 presence of the support person on appeal. The court
21 shall allow the support person to testify if called as
22 a witness in the defendant's case-in-chief or the
23 State's rebuttal.

24 If the court does not allow the defendant to
25 inquire about matters outside the scope of the direct
26 examination, the support person shall be allowed to

1 remain in the courtroom after the support person has
2 been called by the defendant or the defendant has
3 rested. The court shall allow the support person to
4 testify in the State's rebuttal.

5 If the prosecuting attorney does not intend to
6 call the support person in the State's case-in-chief,
7 the court shall verify with the support person whether
8 the support person, if called as a witness, would
9 testify as set forth in the offer of proof. If the
10 court finds that the support person would testify as
11 set forth in the offer of proof, the court shall rule
12 on the relevance, materiality, and admissibility of
13 the anticipated testimony. If the court rules the
14 anticipated testimony is admissible, the court shall
15 issue the subpoena. The support person may remain in
16 the courtroom after the support person testifies and
17 shall be allowed to testify in rebuttal.

18 If the court excludes the victim's support person
19 during the State's case-in-chief, the victim shall be
20 allowed to choose another support person to be present
21 in court.

22 If the victim fails to designate a support person
23 within 60 days of trial and the defendant has
24 subpoenaed the support person to testify at trial, the
25 court may exclude the support person from the trial
26 until the support person testifies. If the court

1 excludes the support person the victim may choose
2 another person as a support person.

3 (9) Right to notice and hearing before disclosure of
4 confidential or privileged information or records.

5 (A) A defendant who seeks to subpoena testimony or
6 records of or concerning the victim that are
7 confidential or privileged by law must seek permission
8 of the court before the subpoena is issued. The
9 defendant must file a written motion and an offer of
10 proof regarding the relevance, admissibility and
11 materiality of the testimony or records. If the court
12 finds by a preponderance of the evidence that:

13 (i) the testimony or records are not protected
14 by an absolute privilege and

15 (ii) the testimony or records contain
16 relevant, admissible, and material evidence that
17 is not available through other witnesses or
18 evidence, the court shall issue a subpoena
19 requiring the witness to appear in camera or a
20 sealed copy of the records be delivered to the
21 court to be reviewed in camera. If, after
22 conducting an in camera review of the witness
23 statement or records, the court determines that
24 due process requires disclosure of any potential
25 testimony or any portion of the records, the court
26 shall provide copies of the records that it

1 intends to disclose to the prosecuting attorney
2 and the victim. The prosecuting attorney and the
3 victim shall have 30 days to seek appellate review
4 before the records are disclosed to the defendant,
5 used in any court proceeding, or disclosed to
6 anyone or in any way that would subject the
7 testimony or records to public review. The
8 disclosure of copies of any portion of the
9 testimony or records to the prosecuting attorney
10 under this Section does not make the records
11 subject to discovery or required to be provided to
12 the defendant.

13 (B) A prosecuting attorney who seeks to subpoena
14 information or records concerning the victim that are
15 confidential or privileged by law must first request
16 the written consent of the crime victim. If the victim
17 does not provide such written consent, including where
18 necessary the appropriate signed document required for
19 waiving privilege, the prosecuting attorney must serve
20 the subpoena at least 21 days prior to the date a
21 response or appearance is required to allow the
22 subject of the subpoena time to file a motion to quash
23 or request a hearing. The prosecuting attorney must
24 also send a written notice to the victim at least 21
25 days prior to the response date to allow the victim to
26 file a motion or request a hearing. The notice to the

1 victim shall inform the victim (i) that a subpoena has
2 been issued for confidential information or records
3 concerning the victim, (ii) that the victim has the
4 right to request a hearing prior to the response date
5 of the subpoena, and (iii) how to request the hearing.
6 The notice to the victim shall also include a copy of
7 the subpoena. If requested, a hearing regarding the
8 subpoena shall occur before information or records are
9 provided to the prosecuting attorney.

10 (10) Right to notice of court proceedings. If the
11 victim is not present at a court proceeding in which a
12 right of the victim is at issue, the court shall ask the
13 prosecuting attorney whether the victim was notified of
14 the time, place, and purpose of the court proceeding and
15 that the victim had a right to be heard at the court
16 proceeding. If the court determines that timely notice was
17 not given or that the victim was not adequately informed
18 of the nature of the court proceeding, the court shall not
19 rule on any substantive issues, accept a plea, or impose a
20 sentence and shall continue the hearing for the time
21 necessary to notify the victim of the time, place and
22 nature of the court proceeding. The time between court
23 proceedings shall not be attributable to the State under
24 Section 103-5 of the Code of Criminal Procedure of 1963.

25 (11) Right to timely disposition of the case. A victim
26 has the right to timely disposition of the case so as to

1 minimize the stress, cost, and inconvenience resulting
2 from the victim's involvement in the case. Before ruling
3 on a motion to continue trial or other court proceeding,
4 the court shall inquire into the circumstances for the
5 request for the delay and, if the victim has provided
6 written notice of the assertion of the right to a timely
7 disposition, and whether the victim objects to the delay.
8 If the victim objects, the prosecutor shall inform the
9 court of the victim's objections. If the prosecutor has
10 not conferred with the victim about the continuance, the
11 prosecutor shall inform the court of the attempts to
12 confer. If the court finds the attempts of the prosecutor
13 to confer with the victim were inadequate to protect the
14 victim's right to be heard, the court shall give the
15 prosecutor at least 3 but not more than 5 business days to
16 confer with the victim. In ruling on a motion to continue,
17 the court shall consider the reasons for the requested
18 continuance, the number and length of continuances that
19 have been granted, the victim's objections and procedures
20 to avoid further delays. If a continuance is granted over
21 the victim's objection, the court shall specify on the
22 record the reasons for the continuance and the procedures
23 that have been or will be taken to avoid further delays.

24 (12) Right to Restitution.

25 (A) If the victim has asserted the right to
26 restitution and the amount of restitution is known at

1 the time of sentencing, the court shall enter the
2 judgment of restitution at the time of sentencing.

3 (B) If the victim has asserted the right to
4 restitution and the amount of restitution is not known
5 at the time of sentencing, the prosecutor shall,
6 within 5 days after sentencing, notify the victim what
7 information and documentation related to restitution
8 is needed and that the information and documentation
9 must be provided to the prosecutor within 45 days
10 after sentencing. Failure to timely provide
11 information and documentation related to restitution
12 shall be deemed a waiver of the right to restitution.
13 The prosecutor shall file and serve within 60 days
14 after sentencing a proposed judgment for restitution
15 and a notice that includes information concerning the
16 identity of any victims or other persons seeking
17 restitution, whether any victim or other person
18 expressly declines restitution, the nature and amount
19 of any damages together with any supporting
20 documentation, a restitution amount recommendation,
21 and the names of any co-defendants and their case
22 numbers. Within 30 days after receipt of the proposed
23 judgment for restitution, the defendant shall file any
24 objection to the proposed judgment, a statement of
25 grounds for the objection, and a financial statement.
26 If the defendant does not file an objection, the court

1 may enter the judgment for restitution without further
2 proceedings. If the defendant files an objection and
3 either party requests a hearing, the court shall
4 schedule a hearing.

5 (13) Access to presentence reports.

6 (A) The victim may request a copy of the
7 presentence report prepared under the Unified Code of
8 Corrections from the State's Attorney. The State's
9 Attorney shall redact the following information before
10 providing a copy of the report:

11 (i) the defendant's mental history and
12 condition;

13 (ii) any evaluation prepared under subsection
14 (b) or (b-5) of Section 5-3-2; and

15 (iii) the name, address, phone number, and
16 other personal information about any other victim.

17 (B) The State's Attorney or the defendant may
18 request the court redact other information in the
19 report that may endanger the safety of any person.

20 (C) The State's Attorney may orally disclose to
21 the victim any of the information that has been
22 redacted if there is a reasonable likelihood that the
23 information will be stated in court at the sentencing.

24 (D) The State's Attorney must advise the victim
25 that the victim must maintain the confidentiality of
26 the report and other information. Any dissemination of

1 the report or information that was not stated at a
2 court proceeding constitutes indirect criminal
3 contempt of court.

4 (14) Appellate relief. If the trial court denies the
5 relief requested, the victim, the victim's attorney, or
6 the prosecuting attorney may file an appeal within 30 days
7 of the trial court's ruling. The trial or appellate court
8 may stay the court proceedings if the court finds that a
9 stay would not violate a constitutional right of the
10 defendant. If the appellate court denies the relief
11 sought, the reasons for the denial shall be clearly stated
12 in a written opinion. In any appeal in a criminal case, the
13 State may assert as error the court's denial of any crime
14 victim's right in the proceeding to which the appeal
15 relates.

16 (15) Limitation on appellate relief. In no case shall
17 an appellate court provide a new trial to remedy the
18 violation of a victim's right.

19 (16) The right to be reasonably protected from the
20 accused throughout the criminal justice process and the
21 right to have the safety of the victim and the victim's
22 family considered in determining whether to release the
23 defendant, and setting conditions of release after arrest
24 and conviction. A victim of domestic violence, a sexual
25 offense, or stalking may request the entry of a protective
26 order under Article 112A of the Code of Criminal Procedure

1 of 1963.

2 (d) Procedures after the imposition of sentence.

3 (1) The Prisoner Review Board shall inform a victim or
4 any other concerned citizen, upon written request, of the
5 prisoner's release on parole, mandatory supervised
6 release, electronic detention, work release, international
7 transfer or exchange, or by the custodian, other than the
8 Department of Juvenile Justice, of the discharge of any
9 individual who was adjudicated a delinquent for a crime
10 from State custody and by the sheriff of the appropriate
11 county of any such person's final discharge from county
12 custody. The Prisoner Review Board, upon written request,
13 shall provide to a victim or any other concerned citizen a
14 recent photograph of any person convicted of a felony,
15 upon his or her release from custody. The Prisoner Review
16 Board, upon written request, shall inform a victim or any
17 other concerned citizen when feasible at least 7 days
18 prior to the prisoner's release on furlough of the times
19 and dates of such furlough. Upon written request by the
20 victim or any other concerned citizen, the State's
21 Attorney shall notify the person once of the times and
22 dates of release of a prisoner sentenced to periodic
23 imprisonment. Notification shall be based on the most
24 recent information as to the victim's or other concerned
25 citizen's residence or other location available to the
26 notifying authority.

1 (2) When the defendant has been committed to the
2 Department of Human Services pursuant to Section 5-2-4 or
3 any other provision of the Unified Code of Corrections,
4 the victim may request to be notified by the releasing
5 authority of the approval by the court of an on-grounds
6 pass, a supervised off-grounds pass, an unsupervised
7 off-grounds pass, or conditional release; the release on
8 an off-grounds pass; the return from an off-grounds pass;
9 transfer to another facility; conditional release; escape;
10 death; or final discharge from State custody. The
11 Department of Human Services shall establish and maintain
12 a statewide telephone number to be used by victims to make
13 notification requests under these provisions and shall
14 publicize this telephone number on its website and to the
15 State's Attorney of each county.

16 (3) In the event of an escape from State custody, the
17 Department of Corrections or the Department of Juvenile
18 Justice immediately shall notify the Prisoner Review Board
19 of the escape and the Prisoner Review Board shall notify
20 the victim. The notification shall be based upon the most
21 recent information as to the victim's residence or other
22 location available to the Board. When no such information
23 is available, the Board shall make all reasonable efforts
24 to obtain the information and make the notification. When
25 the escapee is apprehended, the Department of Corrections
26 or the Department of Juvenile Justice immediately shall

1 notify the Prisoner Review Board and the Board shall
2 notify the victim.

3 (4) The victim of the crime for which the prisoner has
4 been sentenced has the right to register with the Prisoner
5 Review Board's victim registry. Victims registered with
6 the Board shall receive reasonable written notice not less
7 than 30 days prior to the parole hearing or target
8 aftercare release date. The victim has the right to submit
9 a victim statement for consideration by the Prisoner
10 Review Board or the Department of Juvenile Justice in
11 writing, on film, videotape, or other electronic means, or
12 in the form of a recording prior to the parole hearing or
13 target aftercare release date, or in person at the parole
14 hearing or aftercare release protest hearing, or by
15 calling the toll-free number established in subsection (f)
16 of this Section. The victim shall be notified within 7
17 days after the prisoner has been granted parole or
18 aftercare release and shall be informed of the right to
19 inspect the registry of parole decisions, established
20 under subsection (g) of Section 3-3-5 of the Unified Code
21 of Corrections. The provisions of this paragraph (4) are
22 subject to the Open Parole Hearings Act. Victim statements
23 provided to the Board shall be confidential and
24 privileged, including any statements received prior to
25 January 1, 2020 (the effective date of Public Act
26 101-288), except if the statement was an oral statement

1 made by the victim at a hearing open to the public.

2 (4-1) The crime victim has the right to submit a
3 victim statement for consideration by the Prisoner Review
4 Board or the Department of Juvenile Justice prior to or at
5 a hearing to determine the conditions of mandatory
6 supervised release of a person sentenced to a determinate
7 sentence or at a hearing on revocation of mandatory
8 supervised release of a person sentenced to a determinate
9 sentence. A victim statement may be submitted in writing,
10 on film, videotape, or other electronic means, or in the
11 form of a recording, or orally at a hearing, or by calling
12 the toll-free number established in subsection (f) of this
13 Section. Victim statements provided to the Board shall be
14 confidential and privileged, including any statements
15 received prior to January 1, 2020 (the effective date of
16 Public Act 101-288), except if the statement was an oral
17 statement made by the victim at a hearing open to the
18 public.

19 (4-2) The crime victim has the right to submit a
20 victim statement to the Prisoner Review Board for
21 consideration at an executive clemency hearing as provided
22 in Section 3-3-13 of the Unified Code of Corrections. A
23 victim statement may be submitted in writing, on film,
24 videotape, or other electronic means, or in the form of a
25 recording prior to a hearing, or orally at a hearing, or by
26 calling the toll-free number established in subsection (f)

1 of this Section. Victim statements provided to the Board
2 shall be confidential and privileged, including any
3 statements received prior to January 1, 2020 (the
4 effective date of Public Act 101-288), except if the
5 statement was an oral statement made by the victim at a
6 hearing open to the public.

7 (5) If a statement is presented under Section 6, the
8 Prisoner Review Board or Department of Juvenile Justice
9 shall inform the victim of any order of discharge pursuant
10 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
11 Corrections.

12 (6) At the written or oral request of the victim of the
13 crime for which the prisoner was sentenced or the State's
14 Attorney of the county where the person seeking parole or
15 aftercare release was prosecuted, the Prisoner Review
16 Board or Department of Juvenile Justice shall notify the
17 victim and the State's Attorney of the county where the
18 person seeking parole or aftercare release was prosecuted
19 of the death of the prisoner if the prisoner died while on
20 parole or aftercare release or mandatory supervised
21 release.

22 (7) When a defendant who has been committed to the
23 Department of Corrections, the Department of Juvenile
24 Justice, or the Department of Human Services is released
25 or discharged and subsequently committed to the Department
26 of Human Services as a sexually violent person and the

1 victim had requested to be notified by the releasing
2 authority of the defendant's discharge, conditional
3 release, death, or escape from State custody, the
4 releasing authority shall provide to the Department of
5 Human Services such information that would allow the
6 Department of Human Services to contact the victim.

7 (8) When a defendant has been convicted of a sex
8 offense as defined in Section 2 of the Sex Offender
9 Registration Act and has been sentenced to the Department
10 of Corrections or the Department of Juvenile Justice, the
11 Prisoner Review Board or the Department of Juvenile
12 Justice shall notify the victim of the sex offense of the
13 prisoner's eligibility for release on parole, aftercare
14 release, mandatory supervised release, electronic
15 detention, work release, international transfer or
16 exchange, or by the custodian of the discharge of any
17 individual who was adjudicated a delinquent for a sex
18 offense from State custody and by the sheriff of the
19 appropriate county of any such person's final discharge
20 from county custody. The notification shall be made to the
21 victim at least 30 days, whenever possible, before release
22 of the sex offender.

23 (e) The officials named in this Section may satisfy some
24 or all of their obligations to provide notices and other
25 information through participation in a statewide victim and
26 witness notification system established by the Attorney

1 General under Section 8.5 of this Act.

2 (f) The Prisoner Review Board shall establish a toll-free
3 number that may be accessed by the crime victim to present a
4 victim statement to the Board in accordance with paragraphs
5 (4), (4-1), and (4-2) of subsection (d).

6 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
7 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
8 8-20-21; 102-813, eff. 5-13-22.)

9 Section 35. The Pretrial Services Act is amended by adding
10 Sections 8.1 and 8.2 as follows:

11 (725 ILCS 185/8.1 new)

12 Sec. 8.1. Additional duties of pretrial services agencies.

13 (a) Pretrial services agencies shall perform such duties
14 as prescribed to them by the Code of Criminal Procedure of
15 1963.

16 (b) Pretrial services agencies shall implement a system of
17 court date reminders, including location, date, and time of
18 the court appearance. Reminders shall be provided one to 3
19 days prior to each scheduled court appearance.

20 (c) Electronic monitoring is available for pretrial
21 detention. "Electronic monitoring" has the meaning ascribed to
22 it in Section 5-8A-2 of the Unified Code of Corrections.

23 (725 ILCS 185/8.2 new)

1 Sec. 8.2. Administrative Office of the Illinois Courts;
2 data; additional duties; criminal justice coordinating
3 councils.

4 (a) The Administrative Office of the Illinois Courts
5 shall:

6 (1) develop a process to evaluate and improve the
7 quality, completeness and availability of data needed and
8 collected to evaluate the use of electronic monitoring and
9 its impact on pretrial success;

10 (2) establish and adopt performance measurements to
11 analyze the criminal justice system's effectiveness in
12 administering pretrial justice;

13 (3) adopt the following goals of performance
14 measurements in identifying data metrics:

15 (A) highlight opportunities for pretrial system
16 improvements;

17 (B) obtain a view of the landscape of pretrial in
18 this State;

19 (C) allow for county comparisons;

20 (D) highlight data collection issues and quality;

21 and

22 (E) identify model and high functioning county
23 systems;

24 (4) establish a Pretrial Division to assist and
25 support statewide implementation of pretrial
26 recommendations. The pretrial services component shall

1 have a clearly defined, pretrial service-related function
2 as its purpose. Pretrial staff shall be assigned only to
3 pretrial-related work with pretrial defendants. Pretrial
4 component management can make independent decisions on
5 budget, staffing, and policy;

6 (5) allow for agreements with external research
7 entities such as the Illinois Criminal Justice Information
8 Authority or universities to use the data to further study
9 pretrial practices, risk assessment instrument development
10 and validation. Training shall include the utility of risk
11 assessment instruments, offered not only for those who
12 will implement the instruments, but those receiving the
13 results, including judges, prosecutors, and defense
14 counsel;

15 (6) encourage collaborative training with judges,
16 probation, and pretrial service agencies through the
17 Illinois Judicial College;

18 (7) partner with other stakeholder organizations to
19 provide joint training regarding legal and evidence-based
20 pretrial practices;

21 (8) create and maintain a central repository on the
22 Illinois Courts website, available to all criminal justice
23 stakeholders, the public and media, to easily access
24 information regarding pretrial reform; and

25 (9) create a traveling press team to visit editorial
26 boards at the State's major media outlets and provide

1 education, training, and outcome data of pretrial decision
2 making.

3 (b) Each of the 24 judicial circuits shall create a
4 criminal justice coordinating council, to interface with other
5 criminal justice stakeholders. The Chief Judge of each circuit
6 shall chair the criminal justice coordinating council in his
7 or her circuit.

8 Section 40. The Unified Code of Corrections is amended by
9 changing Sections 5-8A-3 and 5-8A-7 and by adding Section
10 5-8A-10 as follows:

11 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

12 Sec. 5-8A-3. Application.

13 (a) Except as provided in subsection (d), a person charged
14 with or convicted of an excluded offense may not be placed in
15 an electronic monitoring or home detention program, except for
16 bond pending trial or appeal or while on parole, aftercare
17 release, or mandatory supervised release.

18 (b) A person serving a sentence for a conviction of a Class
19 1 felony, other than an excluded offense, may be placed in an
20 electronic monitoring or home detention program for a period
21 not to exceed the last 90 days of incarceration.

22 (c) A person serving a sentence for a conviction of a Class
23 X felony, other than an excluded offense, may be placed in an
24 electronic monitoring or home detention program for a period

1 not to exceed the last 90 days of incarceration, provided that
2 the person was sentenced on or after August 11, 1993 (the
3 effective date of Public Act 88-311) and provided that the
4 court has not prohibited the program for the person in the
5 sentencing order.

6 (d) A person serving a sentence for conviction of an
7 offense other than for predatory criminal sexual assault of a
8 child, aggravated criminal sexual assault, criminal sexual
9 assault, aggravated criminal sexual abuse, or felony criminal
10 sexual abuse, may be placed in an electronic monitoring or
11 home detention program for a period not to exceed the last 12
12 months of incarceration, provided that (i) the person is 55
13 years of age or older; (ii) the person is serving a determinate
14 sentence; (iii) the person has served at least 25% of the
15 sentenced prison term; and (iv) placement in an electronic
16 monitoring or home detention program is approved by the
17 Prisoner Review Board or the Department of Juvenile Justice.

18 (e) A person serving a sentence for conviction of a Class
19 2, 3, or 4 felony offense which is not an excluded offense may
20 be placed in an electronic monitoring or home detention
21 program pursuant to Department administrative directives.
22 These directives shall encourage inmates to apply for
23 electronic detention to incentivize positive behavior and
24 program participation prior to and following their return to
25 the community, consistent with Section 5-8A-4.2 of this Code.
26 These directives shall not prohibit application solely for

1 prior mandatory supervised release violation history,
2 outstanding municipal warrants, current security
3 classification, and prior criminal history, though these
4 factors may be considered when reviewing individual
5 applications in conjunction with additional factors, such as
6 the applicant's institution behavior, program participation,
7 and reentry plan.

8 (f) Applications for electronic monitoring or home
9 detention may include the following:

10 (1) ~~pre-trial or~~ pre-adjudicatory detention;

11 (2) probation;

12 (3) conditional discharge;

13 (4) periodic imprisonment;

14 (5) parole, aftercare release, or mandatory supervised
15 release;

16 (6) work release;

17 (7) furlough; or

18 (8) post-trial incarceration.

19 (g) A person convicted of an offense described in clause
20 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
21 shall be placed in an electronic monitoring or home detention
22 program for at least the first 2 years of the person's
23 mandatory supervised release term.

24 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
25 100-201, eff. 8-18-17; 100-431, eff. 8-25-17; 100-575, eff.
26 1-8-18.)

1 (730 ILCS 5/5-8A-7)

2 Sec. 5-8A-7. Domestic violence surveillance program. If
3 the Prisoner Review Board, Department of Corrections,
4 Department of Juvenile Justice, or court (the supervising
5 authority) orders electronic surveillance as a condition of
6 parole, aftercare release, mandatory supervised release, early
7 release, probation, or conditional discharge for a violation
8 of an order of protection or as a condition of pretrial release
9 for a person charged with a violation of one or more felony
10 statutes of any jurisdiction which would be a forcible felony
11 in Illinois or a Class 2 or greater offense under the Illinois
12 Controlled Substances Act, the Cannabis Control Act, or the
13 Methamphetamine Control and Community Protection Act and the
14 defendant is on bail for the alleged commission of a felony, or
15 where the defendant is on bail for a felony domestic battery
16 (enhanced pursuant to subsection (b) of Section 12-3.2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012),
18 aggravated domestic battery, aggravated battery, unlawful
19 restraint, aggravated unlawful restraint or domestic battery
20 in violation of item (1) of subsection (a) of Section 12-3.2 of
21 the Criminal Code of 1961 or the Criminal Code of 2012 against
22 a family or household member as defined in Section 112A-3 of
23 this Code and the violation is an offense of domestic battery
24 against the same victim or a violation of an order of
25 protection, the supervising authority shall use the best

1 available global positioning technology to track domestic
2 violence offenders, if available and reliable in the
3 supervising authority's jurisdiction. Best available
4 technology must have real-time and interactive capabilities
5 that facilitate the following objectives: (1) immediate
6 notification to the supervising authority of a breach of a
7 court ordered exclusion zone; (2) notification of the breach
8 to the offender; and (3) communication between the supervising
9 authority, law enforcement, and the victim, regarding the
10 breach. The supervising authority may also require that the
11 electronic surveillance ordered under this Section monitor the
12 consumption of alcohol or drugs.

13 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 99. Effective date. This Act takes effect June 1,
22 2025.

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